



**City Council – Meeting Agenda
October 5, 2021 – 5:30 P.M. – Foley City Hall**

1. Call the meeting to order.
2. Pledge of Allegiance.
3. Approve the agenda.
4. Consent Agenda:
 - Approve minutes of September 7, 2021.
 - Adopt Resolution #2021-21 Accepting Donation.
 - Approve DNR License #UWAT012578 – Wastewater
 - Approve DNR License #UWAT012379 – Wastewater
 - Accept resignation of Administrative Assistant, Nicole Peschl.
 - Approve payment of bills.
5. Public Hearing – 2021 Water/Sewer, I/I and Weed/Snow Assessments – Payable 2022 Taxes
 - Adopt Resolution #2021-23 Adopting Water/Sewer and I/I Assessment Roll
 - Adopt Resolution #2021-24 Adopting Weed/Snow Assessment Roll.
6. Triple E Secure Storage –Site Plan & Early Start Request
 - Approve Site Plan – Resolution #2021-22
 - Consider request for early start – Approve Letter/Waiver
7. Consider Gambling Premises Permit for Stone Creek Golf Course
 - Adopt Resolution #2021-25 Gambling Premises Permit
8. Mayor's Comments & Open Forum
9. Department Reports:
 - Police Department –Katie McMillin
 - City Engineer – Jarod Griffith/Jon Halter
 - Public Works/Fire – Mark Pappenfus
 - Update on Highway 23 Trails/Sidewalks Widths
 - Administration – Sarah Brunn
 - Consider request to offer \$10 incentive for autopay sign up.
10. Old Business
11. New Business
12. Adjourn

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – September 7, 2021

The Foley City Council held its regular meeting on September 7, 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 Musachio, to approve the agenda. Motion carried unanimous.

Motion by Gondeck, seconded by Musachio, to approve the consent agenda. Motion carried, unanimous.

Public Hearing – Triple E Secure Storage Rezoning

Mayor Bettendorf recessed the regular council meeting at 5:31 p.m. to conduct a public hearing on the rezoning request for Triple E Secure storage.

Julia Fraley, 6235 Hwy 25 NE, spoke as the property owner directly to the north of the proposed rezoning plat. Fraley said that she had not had any contact from the folks who are representing the building project or the rezoning. She had concerns about egress and ingress of that parcel of land and how it will affect the surrounding neighbors.

Duane Foss, 6149 Hwy 25 NE, addressed the council and said he lived south of the parcel in question. He got the letter informing him of the possible rezoning, but it wasn't clear to him what would happen if/when the land was rezoned to industrial. What other businesses might be added in the future?

The regular council meeting was reconvened at 5:34 p.m.

Bettendorf asked for a motion adopting Resolution 2021-20.

Sarah Brunn City Administrator addressed the council explaining (for the benefit of the people in attendance) that the resolution addresses the rezoning. It does not approve the site plan. The site plan was tabled at the Planning Commission meeting because of discussion of access and a few other items. The rezoning is just the first step. The Planning Commission still needs to make a recommendation on the site plan, which will then be brought to the council for approval.

Motion by Swanson, seconded by Brosh, to approve Resolution 2021-20 Approving Rezoning of Triple E Secure Storage.

Gondeck said he would like to see the people with concerns to be at the next Planning Commission meeting on Monday, Sept. 13, when more of their questions could be answered.

Motion carried, unanimous.

Public Hearing – Pantown Brewing Company – Sept. 23, 2021, at Grand Champion Meats
Bettendorf recessed the regular council meeting at 5:37 p.m. for the Public Hearing regarding a temporary liquor license for Pan Town Brewing Company.

No one spoke.

The regular council meeting was reconvened at 5:38 p.m.

Motion by Swanson, seconded by Gondeck, to approve the temporary liquor license for Pantown Brewing.

Motion carried, unanimous.

Bryan Moshier – Foley Fire Relief Update

Bryan Moshier addressed the council regarding the Foley Fire Relief funds. The account currently has a surplus. With the uncertainties of last year, this is good news. They paid out a lot of pension for retirees and still maintained a good fund balance which is a good sign. They always wait and see what the third quarter does before considering a decision if a raise in funds is needed. They are not at that point yet so it's not part of the request this evening. It will most likely be decided at the October meeting. To clarify Mr. Moshier indicated this is the relief fund, which is separate from the city's general funds.

Wastewater Project Update Bolton and Menk

Paul Saffert addressed the council and gave an overview of the wastewater project. Due to delays in the permitting process with the MPCA, which will take until January, the bidding process will not be able to begin until February or March of 2022. Once the project is awarded there will be another 15-18 months construction. Discussion followed regarding timelines.

Saffert explained that the final plan specifications were submitted to the MPCA. All of the routing is done and designed. Finalizing easements are still in process. With the current climate in contracting and the availability of materials, there's a lot of uncertainty on delivery dates. Their intention is to provide as open as a schedule as possible to account for those unknown deliverables. Construction could take less time than 15-18 months depending on what the contractor is able to provide. Everything from COVID to hurricanes has effected deliveries for the past 18 months.

Discussion followed regarding the Lange lift station. The council recommended to do the work needed now to the lift station as part of the wastewater project budget.

Motion by Gondeck, seconded by Musachio, to approve replacing the Lange lift station.

Motion carried, unanimous.

2022 Budget Discussion

Motion by Gondeck, seconded by Musachio, to adopt Resolution #2021-18 Approving the Preliminary levy. This was the direction given by the council at the budget meeting. Motion carried, unanimous.

Mayor's Open Forum

No one spoke.

Department Reports

Police Department

Acting Chief Officer Bart Kothman was unable to present his report because he was detained while attending to a call.

City Engineer

Jarod Griffith, City Engineer gave an update on the John Street construction. The concrete should be poured tomorrow and paving will begin next week. Mark Pappenfus Director of Public Works gave additional information on the project. The slab of the police department is solid but they did discover a void most likely created by pooling water from years ago. The problem is being fixed. Discussion followed.

Griffith also gave an update on the Hwy 23 project. Final plans have been submitted for utilities along with MNDot to the state. The city is responsible for expenses for relocations of small utilities. These estimates are not finalized until final plans are submitted and now have been relayed to the city and estimated to cost \$53,167.00 for the location between 8th & 9th Avenue. There are four copper lines that need to be relocated. The plan is to move those to the right of way. Discussion followed.

Public Works and Fire Department

Mark Pappenfus gave an overview to the council about replacing a pickup truck. Funds will be from this year's budget.

Motion by Swanson, seconded by Gondeck, to approve purchase of the pickup truck. Motion carried, unanimous.

Pappenfus also gave an update on the seal coating on the south end of town. The project is done. In a few more weeks, those streets will be swept to finish it up. The salt shed needed a lot of dirt correction. That was corrected and the piers are all poured. Bunkers will come next week. The shed should be done by the end of the month.

Brosh asked about reopening the compost site to 7 days a week. A new gate would help with the problem. Discussion followed. Pappenfus told the council that a lot of cities only have their compost sites open 2-3 days per week. More discussion.

The Fire Department with Snap Fitness is doing a 9-11 tribute Bootcamp at the fire hall on Sept. 11. They will also be hosting a recruitment event afterwards.

Administration

Sarah Brunn, City Administrator, gave an update to the council. The St. Cloud Driver's License station has contacted city hall about having their driver examiners return to offer road testing the first Tuesday of every month. They may be returning as soon as later this fall.

Brunn also provided a pool update report from the pool manager, Emma Brenny, is in the council packet. A very good pool year as far as revenues.

Brunn explained that our interim chief, Officer Kothman, was busy with multiple calls at the moment and wouldn't be able to give his report. If the council had questions, they could reach out to him directly.

Pappenfus provided a more information about what other cities do for their compost sites. Sauk Rapids has their compost open 3 days a week. We are right in line with what other cities are doing. Discussion followed.

Old Business

No old business.

New Business

No new business.

Julie Fraley asked to address the council again since she missed the call for Mayor's Open Forum. Fraley asked Brunn about a possible resolution for the access for Triple E Storage and if the plan could be viewed. Brunn said that would go out in the Planning Commission packet either tomorrow or Thursday.

Motion by Gondeck, seconded by Musachio, to adjourn.

Motion carried, unanimous.

Meeting adjourned at 6:43 p.m.

Sarah A. Brunn, Administrator
(Minutes By: Sara- Judson Brown, Administrative Assistant)

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2021 – 21

A RESOLUTION ACCEPTING DONATIONS FOR THE FIRE DEPARTMENT

WHEREAS, the City of Foley encourages public donations to help defray the costs of the general public of providing services and improve the quality of life in Foley, and

WHEREAS, Harren Homes and Compeer Financial have offered to donate funds for fire prevention and emergency response equipment for the Fire Department, and

WHEREAS, Minnesota Statutes 465.03 requires that all gifts and donations of real or personal property be accepted only with the adoption of a resolution approved by two-thirds of the members of the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Foley, Benton County, Minnesota, that these donations are hereby accepted for use by the City of Foley.

BE IT FURTHER RESOLVED that the City extends its sincere appreciation to Harren Homes and Compeer Financial for their generous donations.

PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota, this 5th day of October 2021.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

m DEPARTMENT OF
NATURAL RESOURCES

September 13, 2021

City of Foley
Attn. Sarah Brunn
251 4th Ave. North, PO Box 709
Foley, MN 56329

RE: License #UWAT012578
SE1/4 SE1/4 in Section 36, Township 30 North, Range 14 West, Benton County
Company Project No. R21.120226

Dear Licensee:


Enclosed is a copy of the above referenced license for execution by the Mayor and City Clerk. The application is not included in this mailing but will be made a part of the license when completed. The license is for a 50 year period commencing on September 15, 2021 at an advance rental of \$293.00 which is payable upon return of this license.

Please have the license document signed by the Mayor and City Clerk, with their title listed beneath his or her signature. If the license document is signed by a person who is not the Mayor or City Clerk, please send us a copy of the power of attorney or board resolution which authorized this person to sign the license document on behalf of the company.

When you return the signed license document, please enclosed payment of \$293.00 made payable to the Department of Natural Resources. Payment is for the term of the license.

If you have any questions, please contact me at jean.zoch@state.mn.us. Thank you!

Sincerely,



Jean Zoch
Realty Specialist
Division of Lands and Minerals

Enclosures

Cc: Corps of Engineers

LICENSE FOR UTILITY TO CROSS PUBLIC WATERS

This license is issued by the State of Minnesota, acting by and through its commissioner of natural resources, and hereafter called the "State", under authority and subject to Minnesota Statutes, section 84.415, and Minnesota Rules Chapter 6135 and other applicable law, to the Licensee as named and for the fee and term as specified below.

Name and Address of Licensee: City of Foley
251 4th Avenue North, PO Box 709
Foley, Minnesota 56329

License Fee: Two Hundred Ninety Three Dollars and no/100. (\$293.00)

Term (years): 50

Effective Date: September 15, 2021

Expiration Date: September 14, 2071

Purpose of License: Construction, maintenance and operation of a solids in suspension pipeline under water under the covenants and agreements of the Licensee to use the following described waters:

That part of the SE1/4 SE1/4 in Section 36, Township 30 North, Range 14 West in Benton County as shown on the attached application and map, all of which are made a part hereof by reference.

This license is granted subject to the following provisions:

1. **Use of premises.**
 - A. This license is subject to the provisions of Minnesota Statutes, section 84.415 and Minnesota Rules Chapter 6135. All standards of Chapter 6135 are incorporated as terms and conditions of this license, except such variations as are identified and approved by the State in the license applications, plans and specifications which are attached and made part of the terms and conditions of this license. The Licensee is bound by the crossing location and installation method as detailed in the application and approved by the State. The Licensee shall not deviate from the terms and conditions of this license or the application as approved by the State unless it has first obtained written permission from the State.
 - B. When the installation occurs more than six months after the issuance of the license, the Licensee shall contact the State 20 days prior to installation.
 - C. No merchantable timber shall be cut, used, removed or destroyed without first paying the State the timber value in the sum stated above as determined by the State. Slash material on state water crossings must be disposed of within 30 days of clearing activities.
 - D. For overhead crossings of state waters, lines shall have a minimum clearance of 25 feet above the water, unless otherwise approved by the State.
 - E. When directed by the State as a condition of the license, flight diverters shall be placed on overhead utility lines.
 - F. Any cable or conduit located at a shoreline shall be sufficiently buried so that it does not become exposed.
 - G. When directed by the State as a condition of the license, underwater crossings shall be marked by permanent signs on the banks at the points where the line enters and leaves the public waters.
 - H. To protect fish spawning activities, the State may prohibit work in the public water or within a specified distance of the public water during the spawning season.
2. **State's rights and reservations.** The use of these waters by the Licensee in constructing or maintaining the lines for which this license is granted shall be subject to the use, sale, or leasing for mineral or other legal purposes. The Licensee will not cause any unnecessary hindrance to the activities of the State and shall allow access across the license area by the State when needed.

3. Erosion and Revegetation.

- A. Erosion control measures shall be adequately designed for site characteristics. They shall be installed prior to commencement of construction and maintained for as long as needed. All erosion control measures installed next to a water body shall run parallel to the contours.
- B. All disturbed areas shall be restored to original contours and elevations and stabilized as soon as possible following construction. Areas of subsidence and crowing shall be repaired. Topsoil shall be reserved on site and used to re-dress disturbed areas.
- C. All disturbed areas shall be revegetated using state approved seed mixes. All seed and plant materials shall be certified weed-free. Weed-free straw or hay shall be used for mulching and erosion control. Native species plants should be used, whenever possible, to revegetate disturbed areas. This revegetation should occur as early in the season as possible to permit adequate regrowth.
- D. The Licensee shall monitor revegetation at state water crossings until the site is stabilized and the vegetation is self-sustaining. Where severe or repeated damage is occurring or where measures have not been successful, preventative and corrective actions shall be taken by the Licensee, including construction of appropriate barriers, installation of warning signs, and other methods in consultation with the State.
- E. The Licensee shall routinely inspect for erosion that may develop during the term of the license. Areas of erosion shall be stabilized by the Licensee.
- F. If a disturbed area cannot be stabilized with vegetation before September 15 in the year that the utility was installed, the Licensee shall submit a written site stabilization plan to the State for approval. This plan shall describe erosion control, mulching, dormant seeding and monitoring. Seeding shall occur as soon as soil conditions are suitable.
- G. Excavated materials shall not be deposited or stored alongside public water in a manner where the materials can be redeposited into the public water by reasonably expected high water or storm run-off.

4. Herbicides and Pesticides.

- A. The Licensee must request and obtain written permission to apply herbicides or pesticides to state waters from the State prior to treatment. This request shall consist of (1) a map identifying proposed treatment areas and (2) a description of the proposed treatment plan, including target species, herbicide or pesticide name, rate of application, a description of application method, and beginning and end dates. All applications must be according to label regulations and as otherwise specified by the State. The Licensee shall not apply pesticides that are restricted for use on certified state forest land administered by the State.
- B. The Licensee must submit annual reports detailing herbicide or pesticide application on areas covered under the license. The report must include the dates, acres, location expressed as quarter-quarter section, township and range, herbicide or pesticide used, target species, and such other information as may be reasonably required by the State for the purpose of verifying herbicide or pesticide use.
- C. The Licensee shall post all places commonly used by the public for access along the utility corridors treated with herbicides or pesticides.

5. Invasive Species.

- A. The Licensee shall inspect all state water crossings for the presence of invasive species and noxious weeds prior to commencing clearing activities and take action to prevent their spread. For installation of the utility line, the State will identify on a map the known infested sites to be avoided. For maintenance and operation, the Licensee is responsible for obtaining updated information on known infested sites.
- B. If the State or the Licensee discover additional invasive species infestation areas on state water crossings during construction, the Licensee shall immediately take action to prevent spread from the newly discovered infested area and then consult with the State on a resolution.
- C. The Licensee shall prevent invasive species from entering into or spreading within state water crossing by cleaning equipment and clothing prior to arriving at the license area. The Licensee shall legally dispose of material cleaned from equipment and clothing at a location offsite and the materials must be secured prior to transport to avoid dispersal.
- D. Whenever possible, parking, staging areas and travel routes shall not be within known infested sites. Where there are multiple state water crossings and at least one contains invasive species, the Licensee shall to the extent practicable start work at the site with the fewest number of invasive plants, leaving the most heavily infested sites to last. The Licensee shall make every effort to schedule operations and site visits to avoid the spread of weed seed.

- E. The Licensee shall continue to control invasive species on state water crossings for the terms of the license using methods approved by the State.
6. **Crossing of State Trail.**
- A. The location of any crossing of a state trail must be approved in advance by the State. The State may provide written instructions as to specific construction standards to be followed for the crossing of the state trail.
 - B. Utility installation and maintenance activities shall be conducted in a manner so as to minimize disturbance of state trail use and to separate the public from work areas. The Licensee must provide signs to warn state trail users of construction hazards.
 - C. The Licensee is responsible for repairing any damage to the state trail in a manner satisfactory to the State.
 - D. For maintenance and operations, prior approval must be obtained from the State for the cutting or trimming of trees within the state trail right-of-way.
 - E. The Licensee may not close the state trail right-of-way without the prior written approval of the State.
7. **Maintenance, operations and repairs.**
- A. The Licensee must keep the premises in a neat and orderly condition, and shall remove all refuse and debris that may accumulate thereon.
 - B. After initial installation, no merchantable timber shall be cut, used, removed or destroyed by the Licensee without first contacting the State at least 60 days in advance to determine if a timber payment is needed. Slash material on state water crossings must be disposed of within 30 days of maintenance activities.
 - C. Emergency repairs and replacements may be made without prior notification to the State by the Licensee according to conditions and standards prescribed by Minnesota Rules, Chapter 6135 and the method of installation identified in this license. The Licensee shall notify the State of this activity as soon as practicable.
 - D. The Licensee shall employ appropriate erosion and sedimentation measures at the site during any emergency repairs. The State must approve plans for restoration of the site after the emergency repairs are conducted.
 - E. Other than the herbicide or pesticide application reporting as provided in paragraph 4, the Licensee shall notify the State of the extent and method of any routine maintenance and the proposed schedule. The notification must be in writing and must be provided either annually or at least 20 days prior to commencing any routine maintenance work on state water crossings subject to this license. The Licensee shall include a specific description of the proposed maintenance activities including location, clearing methods, erosion and sedimentation control measures, removal of merchantable timber, revegetation plans, and plans for preventing the spread of invasive species. The Licensee may commence any routine maintenance work unless notified to the contrary by the State within 20 days after the State's receipt of the maintenance plan. The State may require the Licensee to adjust its maintenance plans due to natural resource management concerns.
8. **State inspection.** The project hereunder shall at all times during and after construction is subject to inspection by the State and for that purpose the Licensee shall grant access to the premises at all reasonable times.
9. **Compliance with laws.** The Licensee shall comply with all federal, state and local laws and regulations, including municipal ordinances, affecting said lands or the area in which they are situated.
10. **Taxes and assessments.** The Licensee will pay when due all taxes and assessments levied against said waters or any improvements owned, used, or controlled by the Licensee, provided that the taxes or assessments are imposed due to this license.
11. **Enforcement.** No delay by the State in enforcing any of the conditions of this license shall operate as a waiver of any of its rights.
12. **Liability.** This license is permissive only. No liability shall be imposed upon or incurred by the State of Minnesota or any of its officers, agents, or employees, officially or personally, on account of the granting of the license or on account of any damage to any person or property resulting from any act or omission of the Licensee or any of its agents, employees, or contractors relating to any license matter. This license shall not be construed as estopping or limiting any legal claims or right of action of any person against the Licensee, its agents, employees, or contractors for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the State against the Licensee, its agents, employees, or contractors, for violation of or failure to comply with the provisions of the license or applicable provisions of law. The Licensee shall indemnify and hold harmless

the State from all claims arising out of the Licensee's use of the above described lands whether such claims are asserted by civil action or otherwise.

13. **Termination and cancellation.**

- A. At the end of the license period and if both parties wish to renew, the renewal fee will be determined by the State.
- B. This license shall be cancelable upon reasonable notice by the State for violation of any of its terms, or if at any time its continuance will conflict with a public use of the land over or upon which it is granted, or for any other reason. Licensee shall ensure that Licensee's employees, agents and contractors have received and thoroughly understand all conditions of this license.
- C. Unless otherwise authorized by the State, upon the surrender, expiration or cancellation of this license, the Licensee shall remove from the above described lands all the utility lines and related structures owned by it. If Licensee does not remove such lines or related structures, all such lines or structures remaining shall become the property of the State, to be used or disposed of as the State elects. If the State requires the Licensee to remove utility lines and related structures and Licensee fails to do so, the Licensee agrees to pay the State for the costs of removing and disposing of such lines or structures.

14. **Assignment or transfer.** The Licensee shall not without the State's prior written consent: a) assign, convey or otherwise transfer this license or any interest under it; b) sublet the license corridor or any part thereof; or c) permit the use or occupancy of the license corridor or any part thereof by anyone other than the Licensee. This license shall extend to, and bind the successors, heirs, legal representatives and assigns of the Licensee, if any. The State may require a party who has requested to sublet, use or occupy the license corridor to obtain a separate license from the State prior to occupying or using the license corridor.

15. **Reports.** The Licensee must submit reports on herbicide and pesticide use as provided in paragraph 4 and maintenance and repair work as provided in paragraph 7.

16. **Contacts.** The contact for the State is the Regional Lands and Minerals Operations Supervisor, who is Joey Rokala at (218) 328-8923. Any questions about this license shall be directed to the Regional Lands and Minerals Operations Supervisor. The Regional Lands and Minerals Operations Supervisor may direct the Licensee to contact additional State staff for reviews and approvals.

17. **Special provisions.** This license is subject to the SPECIAL PROVISIONS attached hereto (if none, state none). None

ACCEPTED AND ACKNOWLEDGED

CITY OF FOLEY

Licensee(s)

By _____

Title _____

Date _____

By _____

Title _____

Date _____

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

By _____
Regional Lands and Minerals Operations Supervisor

Date _____

m DEPARTMENT OF
NATURAL RESOURCES

September 13, 2021

City of Foley
Attn. Sarah Brunn
251 4th Ave. North, PO Box 709
Foley, MN 56329

RE: License #UWAT012579
NW1/4 NE1/4 in Section 27, Township 36 North, Range 30 West, Benton County
Company Project No. R21.120226

Dear Licensee:

Enclosed is a copy of the above referenced license for execution by the Mayor and City Clerk. The application is not included in this mailing but will be made a part of the license when completed. The license is for a 50 year period commencing on September 15, 2021 at an advance rental of \$293.00 which is payable upon return of this license.

Please have the license document signed by the Mayor and City Clerk, with their title listed beneath his or her signature. If the license document is signed by a person who is not the Mayor or City Clerk, please send us a copy of the power of attorney or board resolution which authorized this person to sign the license document on behalf of the company.

When you return the signed license document, please enclosed payment of \$293.00 made payable to the Department of Natural Resources. Payment is for the term of the license.

If you have any questions, please contact me at jean.zoch@state.mn.us. Thank you!

Sincerely,



Jean Zoch
Realty Specialist
Division of Lands and Minerals

Enclosures

Cc: Corps of Engineers

LICENSE FOR UTILITY TO CROSS PUBLIC WATERS

This license is issued by the State of Minnesota, acting by and through its commissioner of natural resources, and hereafter called the "State", under authority and subject to Minnesota Statutes, section 84.415, and Minnesota Rules Chapter 6135 and other applicable law, to the Licensee as named and for the fee and term as specified below.

Name and Address of Licensee: City of Foley
251 4th Avenue North, PO Box 709
Foley, Minnesota 56329

License Fee: Two Hundred Ninety Three Dollars and no/100. (\$293.00)

Term (years): 50

Effective Date: September 15, 2021

Expiration Date: September 14, 2071

Purpose of License: Construction, maintenance and operation of a solids in suspension pipeline under water under the covenants and agreements of the Licensee to use the following described waters:

That part of the NW1/4 NE1/4 in Section 27, Township 36 North, Range 30 West in Benton County as shown on the attached application and map, all of which are made a part hereof by reference.

This license is granted subject to the following provisions:

1. Use of premises.

- A. This license is subject to the provisions of Minnesota Statutes, section 84.415 and Minnesota Rules Chapter 6135. All standards of Chapter 6135 are incorporated as terms and conditions of this license, except such variations as are identified and approved by the State in the license applications, plans and specifications which are attached and made part of the terms and conditions of this license. The Licensee is bound by the crossing location and installation method as detailed in the application and approved by the State. The Licensee shall not deviate from the terms and conditions of this license or the application as approved by the State unless it has first obtained written permission from the State.
- B. When the installation occurs more than six months after the issuance of the license, the Licensee shall contact the State 20 days prior to installation.
- C. No merchantable timber shall be cut, used, removed or destroyed without first paying the State the timber value in the sum stated above as determined by the State. Slash material on state water crossings must be disposed of within 30 days of clearing activities.
- D. For overhead crossings of state waters, lines shall have a minimum clearance of 25 feet above the water, unless otherwise approved by the State.
- E. When directed by the State as a condition of the license, flight diverters shall be placed on overhead utility lines.
- F. Any cable or conduit located at a shoreline shall be sufficiently buried so that it does not become exposed.
- G. When directed by the State as a condition of the license, underwater crossings shall be marked by permanent signs on the banks at the points where the line enters and leaves the public waters.
- H. To protect fish spawning activities, the State may prohibit work in the public water or within a specified distance of the public water during the spawning season.

2. **State's rights and reservations.** The use of these waters by the Licensee in constructing or maintaining the lines for which this license is granted shall be subject to the use, sale, or leasing for mineral or other legal purposes. The Licensee will not cause any unnecessary hindrance to the activities of the State and shall allow access across the license area by the State when needed.

3. Erosion and Revegetation.

- A. Erosion control measures shall be adequately designed for site characteristics. They shall be installed prior to commencement of construction and maintained for as long as needed. All erosion control measures installed next to a water body shall run parallel to the contours.
- B. All disturbed areas shall be restored to original contours and elevations and stabilized as soon as possible following construction. Areas of subsidence and crowing shall be repaired. Topsoil shall be reserved on site and used to re-dress disturbed areas.
- C. All disturbed areas shall be revegetated using state approved seed mixes. All seed and plant materials shall be certified weed-free. Weed-free straw or hay shall be used for mulching and erosion control. Native species plants should be used, whenever possible, to revegetate disturbed areas. This revegetation should occur as early in the season as possible to permit adequate regrowth.
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- E. The Licensee shall routinely inspect for erosion that may develop during the term of the license. Areas of erosion shall be stabilized by the Licensee.
- F. If a disturbed area cannot be stabilized with vegetation before September 15 in the year that the utility was installed, the Licensee shall submit a written site stabilization plan to the State for approval. This plan shall describe erosion control, mulching, dormant seeding and monitoring. Seeding shall occur as soon as soil conditions are suitable.
- G. Excavated materials shall not be deposited or stored alongside public water in a manner where the materials can be redeposited into the public water by reasonably expected high water or storm run-off.

4. Herbicides and Pesticides.

- A. The Licensee must request and obtain written permission to apply herbicides or pesticides to state waters from the State prior to treatment. This request shall consist of (1) a map identifying proposed treatment areas and (2) a description of the proposed treatment plan, including target species, herbicide or pesticide name, rate of application, a description of application method, and beginning and end dates. All applications must be according to label regulations and as otherwise specified by the State. The Licensee shall not apply pesticides that are restricted for use on certified state forest land administered by the State.
- B. The Licensee must submit annual reports detailing herbicide or pesticide application on areas covered under the license. The report must include the dates, acres, location expressed as quarter-quarter section, township and range, herbicide or pesticide used, target species, and such other information as may be reasonably required by the State for the purpose of verifying herbicide or pesticide use.
- C. The Licensee shall post all places commonly used by the public for access along the utility corridors treated with herbicides or pesticides.

5. Invasive Species.

- A. The Licensee shall inspect all state water crossings for the presence of invasive species and noxious weeds prior to commencing clearing activities and take action to prevent their spread. For installation of the utility line, the State will identify on a map the known infested sites to be avoided. For maintenance and operation, the Licensee is responsible for obtaining updated information on known infested sites.
- B. If the State or the Licensee discover additional invasive species infestation areas on state water crossings during construction, the Licensee shall immediately take action to prevent spread from the newly discovered infested area and then consult with the State on a resolution.
- C. The Licensee shall prevent invasive species from entering into or spreading within state water crossing by cleaning equipment and clothing prior to arriving at the license area. The Licensee shall legally dispose of material cleaned from equipment and clothing at a location offsite and the materials must be secured prior to transport to avoid dispersal.
- D. Whenever possible, parking, staging areas and travel routes shall not be within known infested sites. Where there are multiple state water crossings and at least one contains invasive species, the Licensee shall to the extent practicable start work at the site with the fewest number of invasive plants, leaving the most heavily infested sites to last. The Licensee shall make every effort to schedule operations and site visits to avoid the spread of weed seed.

- E. The Licensee shall continue to control invasive species on state water crossings for the terms of the license using methods approved by the State.
6. **Crossing of State Trail.**
- A. The location of any crossing of a state trail must be approved in advance by the State. The State may provide written instructions as to specific construction standards to be followed for the crossing of the state trail.
 - B. Utility installation and maintenance activities shall be conducted in a manner so as to minimize disturbance of state trail use and to separate the public from work areas. The Licensee must provide signs to warn state trail users of construction hazards.
 - C. The Licensee is responsible for repairing any damage to the state trail in a manner satisfactory to the State.
 - D. For maintenance and operations, prior approval must be obtained from the State for the cutting or trimming of trees within the state trail right-of-way.
 - E. The Licensee may not close the state trail right-of-way without the prior written approval of the State.
7. **Maintenance, operations and repairs.**
- A. The Licensee must keep the premises in a neat and orderly condition, and shall remove all refuse and debris that may accumulate thereon.
 - B. After initial installation, no merchantable timber shall be cut, used, removed or destroyed by the Licensee without first contacting the State at least 60 days in advance to determine if a timber payment is needed. Slash material on state water crossings must be disposed of within 30 days of maintenance activities.
 - C. Emergency repairs and replacements may be made without prior notification to the State by the Licensee according to conditions and standards prescribed by Minnesota Rules, Chapter 6135 and the method of installation identified in this license. The Licensee shall notify the State of this activity as soon as practicable.
 - D. The Licensee shall employ appropriate erosion and sedimentation measures at the site during any emergency repairs. The State must approve plans for restoration of the site after the emergency repairs are conducted.
 - E. Other than the herbicide or pesticide application reporting as provided in paragraph 4, the Licensee shall notify the State of the extent and method of any routine maintenance and the proposed schedule. The notification must be in writing and must be provided either annually or at least 20 days prior to commencing any routine maintenance work on state water crossings subject to this license. The Licensee shall include a specific description of the proposed maintenance activities including location, clearing methods, erosion and sedimentation control measures, removal of merchantable timber, revegetation plans, and plans for preventing the spread of invasive species. The Licensee may commence any routine maintenance work unless notified to the contrary by the State within 20 days after the State's receipt of the maintenance plan. The State may require the Licensee to adjust its maintenance plans due to natural resource management concerns.
8. **State inspection.** The project hereunder shall at all times during and after construction is subject to inspection by the State and for that purpose the Licensee shall grant access to the premises at all reasonable times.
9. **Compliance with laws.** The Licensee shall comply with all federal, state and local laws and regulations, including municipal ordinances, affecting said lands or the area in which they are situated.
10. **Taxes and assessments.** The Licensee will pay when due all taxes and assessments levied against said waters or any improvements owned, used, or controlled by the Licensee, provided that the taxes or assessments are imposed due to this license.
11. **Enforcement.** No delay by the State in enforcing any of the conditions of this license shall operate as a waiver of any of its rights.
12. **Liability.** This license is permissive only. No liability shall be imposed upon or incurred by the State of Minnesota or any of its officers, agents, or employees, officially or personally, on account of the granting of the license or on account of any damage to any person or property resulting from any act or omission of the Licensee or any of its agents, employees, or contractors relating to any license matter. This license shall not be construed as estopping or limiting any legal claims or right of action of any person against the Licensee, its agents, employees, or contractors for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the State against the Licensee, its agents, employees, or contractors, for violation of or failure to comply with the provisions of the license or applicable provisions of law. The Licensee shall indemnify and hold harmless

the State from all claims arising out of the Licensee's use of the above described lands whether such claims are asserted by civil action or otherwise.

13. Termination and cancellation.

- A. At the end of the license period and if both parties wish to renew, the renewal fee will be determined by the State.
- B. This license shall be cancelable upon reasonable notice by the State for violation of any of its terms, or if at any time its continuance will conflict with a public use of the land over or upon which it is granted, or for any other reason. Licensee shall ensure that Licensee's employees, agents and contractors have received and thoroughly understand all conditions of this license.
- C. Unless otherwise authorized by the State, upon the surrender, expiration or cancellation of this license, the Licensee shall remove from the above described lands all the utility lines and related structures owned by it. If Licensee does not remove such lines or related structures, all such lines or structures remaining shall become the property of the State, to be used or disposed of as the State elects. If the State requires the Licensee to remove utility lines and related structures and Licensee fails to do so, the Licensee agrees to pay the State for the costs of removing and disposing of such lines or structures.

- 14. Assignment or transfer.** The Licensee shall not without the State's prior written consent: a) assign, convey or otherwise transfer this license or any interest under it; b) sublet the license corridor or any part thereof; or c) permit the use or occupancy of the license corridor or any part thereof by anyone other than the Licensee. This license shall extend to, and bind the successors, heirs, legal representatives and assigns of the Licensee, if any. The State may require a party who has requested to sublet, use or occupy the license corridor to obtain a separate license from the State prior to occupying or using the license corridor.

- 15. Reports.** The Licensee must submit reports on herbicide and pesticide use as provided in paragraph 4 and maintenance and repair work as provided in paragraph 7.

- 16. Contacts.** The contact for the State is the Regional Lands and Minerals Operations Supervisor, who is Joey Rokala at (218) 328-8923. Any questions about this license shall be directed to the Regional Lands and Minerals Operations Supervisor. The Regional Lands and Minerals Operations Supervisor may direct the Licensee to contact additional State staff for reviews and approvals.

- 17. Special provisions.** This license is subject to the SPECIAL PROVISIONS attached hereto (if none, state none). None

ACCEPTED AND ACKNOWLEDGED

CITY OF FOLEY

Licensee(s)

By _____

Title _____

Date _____

By _____

Title _____

Date _____

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

By _____

Regional Lands and Minerals Operations Supervisor

Date _____

From: [Nicole Peschl](#)
To: [Sarah Brunn](#)
Subject: Resignation
Date: Thursday, September 30, 2021 6:57:36 AM

Good Morning Sarah,

I am resigning from my position of administration assistant at the city of Foley effective today.

Nicole Peschl

Bills List - October 5th, 2021

Gross Salaries	Payroll - 9/10/21	\$	29,699.76
EFTPS	Federal Withholding	\$	5,470.98
MN Dept of Revenue	State Withholding	\$	1,040.68
State Treas. PERA	PERA	\$	5,718.15
Nationwide	Deferred Comp	\$	895.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	55.00
Further	HSA Contribution	\$	600.00

Gross Salaries	Payroll - 9/24/21	\$	31,261.39
EFTPS	Federal Withholding	\$	5,711.64
MN Dept of Revenue	State Withholding	\$	2,531.54
State Treas. PERA	PERA	\$	5,985.50
Nationwide	Deferred Comp	\$	895.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	55.00
Further	HSA Contribution	\$	600.00

To Be Paid - 10/5/21

Alert-All Corp	Fire Prevention Week Supplies	\$	913.00
Alex Air Apparatus	FD Equipment	\$	1,197.23
Allied Blacktop Company	2021 CIP Street Seal Coating	\$	11,770.00
Auto Value	PW Vehicle Maint & Equipment	\$	807.43
Batteries Plus Bulbs	FD & PW Batteries	\$	51.84
Benton County Highway Department	PD Fuel	\$	917.41
Benton Trophy & Awards	FD Foley Fun Days Waterball Trophies	\$	42.58
Bolton & Menk	WW Expansion	\$	26,272.00
Brock White	PD Garage Door Repair	\$	135.00
Central McGowan	PD Medical Lease	\$	6.82
Cintas	Public Works Uniforms	\$	208.85
Coborn's	Office Supplies	\$	97.38
Delta Dental	Employee Dental Insurance	\$	1,092.15
Farm-Rite Equipment of St. Cloud	Bobcat Repair	\$	250.00
First National Bank of Omaha	Credit Card Purchases	\$	27.34
Flow Measurement and Control	Lift Station Meter Calibrations	\$	534.00
Foley Fire Relief Association	FD State Aid & City Annual Contribution	\$	67,164.14
Further	Monthly HSA Contribution & Admin Fee	\$	380.35
Galls	PD Uniforms - Lipinski	\$	1,209.43
Gilman Coop Creamery	Tree Care Seed	\$	74.99
Hawkins	Water Chemicals	\$	1,099.44
HealthPartners	Employee Health Insurance - 10/21	\$	10,053.03
IamRespondin.com	FD Subscriptions	\$	735.00
JR Masonry & Conrete	PD Concrete Repair	\$	3,858.96
L.I.F.E, LLC	PD EMR Refresher	\$	135.00
League of MN Cities	2021 Membership Dues	\$	3,153.00
Marco	Copier Lease	\$	352.70
Maywood Township	Reimbursement for Double Pd Fire Call	\$	150.00
Minnesota Fire Service Cert. Board	FD Recertification	\$	150.00
MN Dept of Health	Waterworks Operator Exam - Foss	\$	23.00
MN Dept of Natural Resources	Licenses for Utilities to Cross Public Waters	\$	586.00
MN Hwy Safety & Research Center	Public Works Training	\$	1,100.00
MN Pollution Control Agency	Wastewater Certification Renewal - Foss	\$	23.00
MN State of Revenue	Sales & Use Tax - August 2021	\$	1,810.00
MTI Distribution	Mower Blades	\$	245.69
New Frontier Services	Website Services	\$	18.75
RecSupply	Baby Pool Filters	\$	1,050.52
RevTrak	August 2021 CC Processing Fee	\$	1,176.06
Rinke Noonan	Herbst, Fiber, Zoning Legal	\$	1,163.00
RMB Environmental Laboratories	Water & Sewer Testing	\$	219.00
Shift Technologies	Antispam & Antivirus	\$	56.70
Short Elliott Hendrickson	General and Industrial Park Engineering	\$	1,153.00
Staples	Office Supplies	\$	19.99

Sun Life Financial
USable Life
Verizon
Victory Door Systems
Voss Lighting
Wex Bank
Xcel Energy

Employee LTD Insurance	\$	199.51
Employee Life Insurance	\$	239.50
Cell Phones & Park Cameras	\$	375.93
PW Shop Garage Door, PD Garage Door	\$	955.00
Scout House Light Replacement	\$	375.00
Fuel Purchases	\$	65.85
Utilities	\$	4,816.73
	\$	<u>239,030.94</u>

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2021 - 23

A RESOLUTION ASSESSING DELINQUENT WATER/SEWER AND
UNPAID I/I SURCHARGES

WHEREAS, the properties identified in Exhibit A have unpaid surcharges for compliance failure of the requirements set for in City of Foley Code of Ordinances Section 610 – Sewer Rates and Charges and Section 615 Water Charges and Rates and Section 310 – Prohibiting Storm Water Disposal into The Sanitary Sewer System;

WHEREAS, notice of unpaid surcharges and invoice was provided to the owners of record for each of the properties;

WHEREAS, the City has invoiced the owners of record for each property and provided notice of the City's intent to certify the unpaid charges for services; and

WHEREAS, the invoiced charges remain unpaid for each property in Exhibit A.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Foley:

1. Unpaid charges shall be assessed against the properties identified in Exhibit A for the balance of unpaid, delinquent charges including a certification fee of \$25.
2. The entire assessment shall be included with 2021 property taxes, payable in 2022.
3. The City Administrator shall transmit a certified duplicate of this assessment resolution to the Benton County Auditor. Such assessments shall be collected and paid over in the same manner as other property taxes.

PASSED AND ADOPTED by the City Council of the City of Foley this 5th day of October 2021.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

INSERT LIST

Exhibit A

*** Charge includes a \$25 administrative fee**

PROPERTY ASSESSMENTS - WATER/SEWER AND I&I 2021

FullBillingName	Water/Sewer	I&I	Fee	Total	Serv Addr	BillingAddress1
Allan & Lavonne Fones	\$215.08	\$0.00	\$25.00	\$240.08	131 1ST AVE W	131 1ST AVE W
Marcus Claxton	\$419.64	\$0.00	\$25.00	\$444.64	131 2ND AVE	
Johanna Klinkner	\$38.63	\$0.00	\$25.00	\$63.63	210 2ND AVE	210 2ND AVE
Robert Torell	\$245.26	\$0.00	\$25.00	\$270.26	111 3RD AVE	111 3RD AVE
Craig Forsman	\$430.29	\$0.00	\$25.00	\$455.29	161 3RD AVE	14964 34TH ST
Derek Anderson	\$400.13	\$0.00	\$25.00	\$425.13	230 3RD AVE	230 3RD AVE
Mathew Stay	\$122.63	\$225.00	\$25.00	\$372.63	440 3RD AVE	440 3RD AVE
Natalie & Steven Newman	\$145.26	\$0.00	\$25.00	\$170.26	451 3RD AVE	7453 75TH ST NW
DuMonceaux Properties LLC	\$680.22	\$0.00	\$25.00	\$705.22	530 4TH AVE N	17207 198TH AVE
Robin Erickson	\$2,033.08	\$900.00	\$25.00	\$2,958.08	601 4TH AVE N	601 4TH AVE N
Jon Rasmussen	\$0.00	\$1,402.37	\$25.00	\$1,427.37	620 4TH AVE N	
Mike Ericson	\$1,095.21	\$1,125.00	\$25.00	\$2,245.21	640 4TH AVE N	
Heather Slagle	\$345.08	\$0.00	\$25.00	\$370.08	650 4TH AVE N	650 4TH AVE N
Marsha Kampa	\$212.64	\$0.00	\$25.00	\$237.64	230 7TH AVE	17794 90TH ST NE
Matthew Hunt	\$768.36	\$0.00	\$25.00	\$793.36	311 7TH AVE	311 7TH AVE
Daniel Johnson	\$191.09	\$0.00	\$25.00	\$216.09	331 7TH AVE	331 7TH AVE
Michael Zulkosky	\$122.63	\$0.00	\$25.00	\$147.63	301 7-1/2 AVE	301 7-1/2 AVE
Jerome & Judy Keller	\$598.45	\$0.00	\$25.00	\$623.45	340 7-1/2 AVE	340 7-1/2 AVE
Nathan Pohl	\$1,583.38	\$0.00	\$25.00	\$1,608.38	130 8TH AVE	130 8TH AVE
Kurtis Orth	\$598.45	\$0.00	\$25.00	\$623.45	310 8TH AVE	310 8TH AVE
Chad Dombrowski	0	\$1,125.00	\$25.00	\$1,150.00	264 BALSAM DRIVE	
Trilogy Properties	\$383.87	\$0.00	\$25.00	\$408.87	276 BALSAM DRIVE	PO Box 326
Zach Wagenbach	\$128.66	\$0.00	\$25.00	\$153.66	257 BIRCH DRIVE	257 BIRCH DRIVE
Erick Ondarko	\$620.82	\$0.00	\$25.00	\$645.82	230 BROADWAY AVE N	230 BROADWAY AVE N
Terri Krotzer	\$161.08	\$0.00	\$25.00	\$186.08	441 BROADWAY AVE N	441 BROADWAY AVE N
Paula Burgardt	\$510.50	\$0.00	\$25.00	\$535.50	510 BROADWAY AVE N	510 BROADWAY AVE N
April Fones	\$245.26	\$450.00	\$25.00	\$720.26	601 BROADWAY AVE N	
Dustin Fouquette	\$727.51	\$0.00	\$25.00	\$752.51	150 BROADWAY AVE S	150 BROADWAY AVE S
Doug Determan	\$156.67	\$0.00	\$25.00	\$181.67	140 COTTAGE GROVE AVE	140 COTTAGE GROVE AVE

Terry G. Sauer	\$773.09	\$0.00	\$25.00	\$798.09	170 DEWEY ST	
Debra Olson		\$1,793.17	\$25.00	\$1,818.17	600 DEWEY ST	
Jon Cross	\$213.15	\$0.00	\$25.00	\$238.15	640 DEWEY ST	
Keith Olson	\$329.86	\$0.00	\$25.00	\$354.86	253 ELM DRIVE	253 ELM DRIVE
Benjamin J. Zirbes	\$89.70	\$333.92	\$25.00	\$448.62	258 ELM DRIVE	
Dan Lund	\$199.70	\$0.00	\$25.00	\$224.70	261 ELM DRIVE	261 ELM DRIVE
Michelle Kuhlmann	\$200.56	\$1,292.10	\$25.00	\$1,517.66	262 ELM DRIVE	
Megan Brixius		\$325.00	\$25.00	\$350.00	266 ELM DRIVE	
William Nier	\$120.26	\$0.00	\$25.00	\$145.26	720 JOHN ST	720 JOHN ST
Cami Kellen	\$255.07	\$0.00	\$25.00	\$280.07	191 MAIN ST	191 MAIN ST
Kenneth Johnson-Curtis	\$1,259.65	\$0.00	\$25.00	\$1,284.65	100 NORMAN AVE N	100 NORMAN AVE N
Maverick M Wolf	\$122.63	\$0.00	\$25.00	\$147.63	671 NORMAN AVE N	671 NORMAN AVE N
Greg Poganski	\$132.27	\$0.00	\$25.00	\$157.27	119 NORMAN AVE S	
Nathaniel Lease	\$122.63	\$0.00	\$25.00	\$147.63	211 OAK DRIVE	211 OAK DRIVE
Jesse & Jessica Orton	\$564.46	\$0.00	\$25.00	\$589.46	254 OAK DRIVE	254 OAK DRIVE
Todd Foreman	\$252.60	\$0.00	\$25.00	\$277.60	261 OAK DRIVE	
Lindsay Lund	\$70.93	\$0.00	\$25.00	\$95.93	444 STANLEY DRIVE	444 STANLEY DRIVE
Sherry Erickson	\$122.63	\$0.00	\$25.00	\$147.63	316 FRASER DRIVE	
Taylor Biskey	\$122.63	\$0.00	\$25.00	\$147.63	356 KATHRYN LANE	356 KATHRYN LANE
Haley Frauendienst	\$616.71	\$0.00	\$25.00	\$641.71	614 BROOKE AVE	614 BROOKE AVE
Taylor Lewandowski	\$168.64	\$0.00	\$25.00	\$193.64	652 LANE AVE	652 LANE AVE
David Kauder	\$198.70	\$0.00	\$25.00	\$223.70	321 MARIAH DRIVE	
Michael England	\$1,158.52	\$0.00	\$25.00	\$1,183.52	362 MORGAN DRIVE	
Joshua Prestidge	\$353.00	\$0.00	\$25.00	\$378.00	372 MORGAN DRIVE	
Jerrik Manthie	\$598.45	\$0.00	\$25.00	\$623.45	465 MORGAN DRIVE	
Progressive Builders	\$189.91	\$0.00	\$25.00	\$214.91	721 POPLAR PLACE	17207 198th Ave NW
Bruce & Sandra Thompson	\$792.00	\$0.00	\$25.00	\$817.00	1133 GOLF COURT	1133 GOLF COURT
Beatriz Negron	\$1,553.10	\$0.00	\$25.00	\$1,578.10	736 13TH AVE	736 13TH AVE
Aaron & Laura Bemboom	\$188.97	\$0.00	\$25.00	\$213.97	789 13TH AVE	789 13TH AVE
Shane Grove	\$701.69	\$0.00	\$25.00	\$726.69	117 GREEN MEADOW ST	
Daniel Malum	\$122.63	\$0.00	\$25.00	\$147.63	109 LONE RIDGE LANE	109 LONE RIDGE LANE
Sarah Gorecki	\$319.47	\$0.00	\$25.00	\$344.47	149 LONE RIDGE LANE	

[illegible]

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2021 - 24

A RESOLUTION ASSESSING UNPAID CHARGES

WHEREAS, the properties identified have been in violation of the City of Foley Code of Ordinances Chapter XI, Section 1145:02 concerning weeds and tall grasses;

WHEREAS, the properties identified have been in violation of the City of Foley Code of Ordinances Section 805 concerning sidewalk shoveling;

WHEREAS, notice of violation was provided to the owners of record for each of the properties;

WHEREAS, in the best interest of safety and health, and in accordance with City Ordinance, each property was mowed or shoveled and cleaned after failure of the owners to do so;

WHEREAS, the City did clean up the properties identified in Exhibit A and charged such properties for services;

WHEREAS, the City has invoiced the owners of record for each property for the cleanup costs and provided notice of the City's intent to certify the unpaid charges for services; and

WHEREAS, the invoiced charges remain unpaid for each property.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Foley:

1. Unpaid charges shall be assessed against the properties identified in Exhibit A for costs of the cleanup including a certification charge of \$25.
2. The entire assessment shall be included with 2021 property taxes, payable in 2022.

3. The City Administrator shall transmit a certified duplicate of this assessment resolution to the Benton County Auditor. Such assessments shall be collected and paid over in the same manner as other property taxes.

PASSED AND ADOPTED by the City Council of the City of Foley this 5th day of October 2021.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

INSERT LIST

Exhibit A

Billing Payer	Billing Address 1	Billing Address 2	Description (Line 1)	Description (Line 2)	Amount
Dennis Johnson	310 3 rd Ave	PO Box 620	Mowing		\$125.00
Dennis Johnson	310 3 rd Ave	PO Box 620	Snow Shoveling		\$75.00
Rachel Hansen	161 Dewey St.		Snow Shoveling		\$125.00
Craig Forsman	161 3 rd Av		Snow Shoveling		\$75.00
Cory Zwilling	701 Dewey St.		Snow Shoveling		\$75.00

TOTAL: \$475.00

PROPOSED TRIPLE E STORAGE FACILITY

TRIPLE E SECURE STORAGE, LLC
MINNESOTA STATE HIGHWAY 25
CITY OF FOLEY, BENTON COUNTY, MN
SEPTEMBER 22, 2021
FINAL PLANS FOR CONSTRUCTION

CIVIL & SURVEY PLANS PREPARED BY:



**Bogart, Pederson
& Associates, Inc.**
CIVIL ENGINEERING
LAND SURVEYING
ENVIRONMENTAL SERVICES

Traditional Values · Creative Solutions

SHEET INDEX:

EXISTING CONDITIONS	V1
DEMOLITION PLAN	C1
SITE & DIMENSION PLAN	C2
GRADING & UTILITY PLAN	C3
EROSION CONTROL PLAN	C4
MN HIGHWAY 25 TURN LANE PLAN	C5
SWPPP NARRATIVE	C6
LIGHTING PLAN	C7
DETAILS	C8 - C9



BENTON COUNTY, MINNESOTA



VICINITY MAP

PROJECT LOCATION

REV NO.	DATE	DESCRIPTION

PRIVATE UTILITIES SHOWN ARE QUALITY LEVEL D. QUALITY LEVEL D PROVIDES THE MOST BASIC LEVEL OF INFORMATION. IT INVOLVES COLLECTING DATA FROM EXISTING UTILITY RECORDS. RECORDS MAY INCLUDE AS-BUILT DRAWINGS, DISTRIBUTION AND SERVICES MAPS, EXISTING GEOGRAPHIC INFORMATION SYSTEM DATABASES, CONSTRUCTION PLANS, ETC.

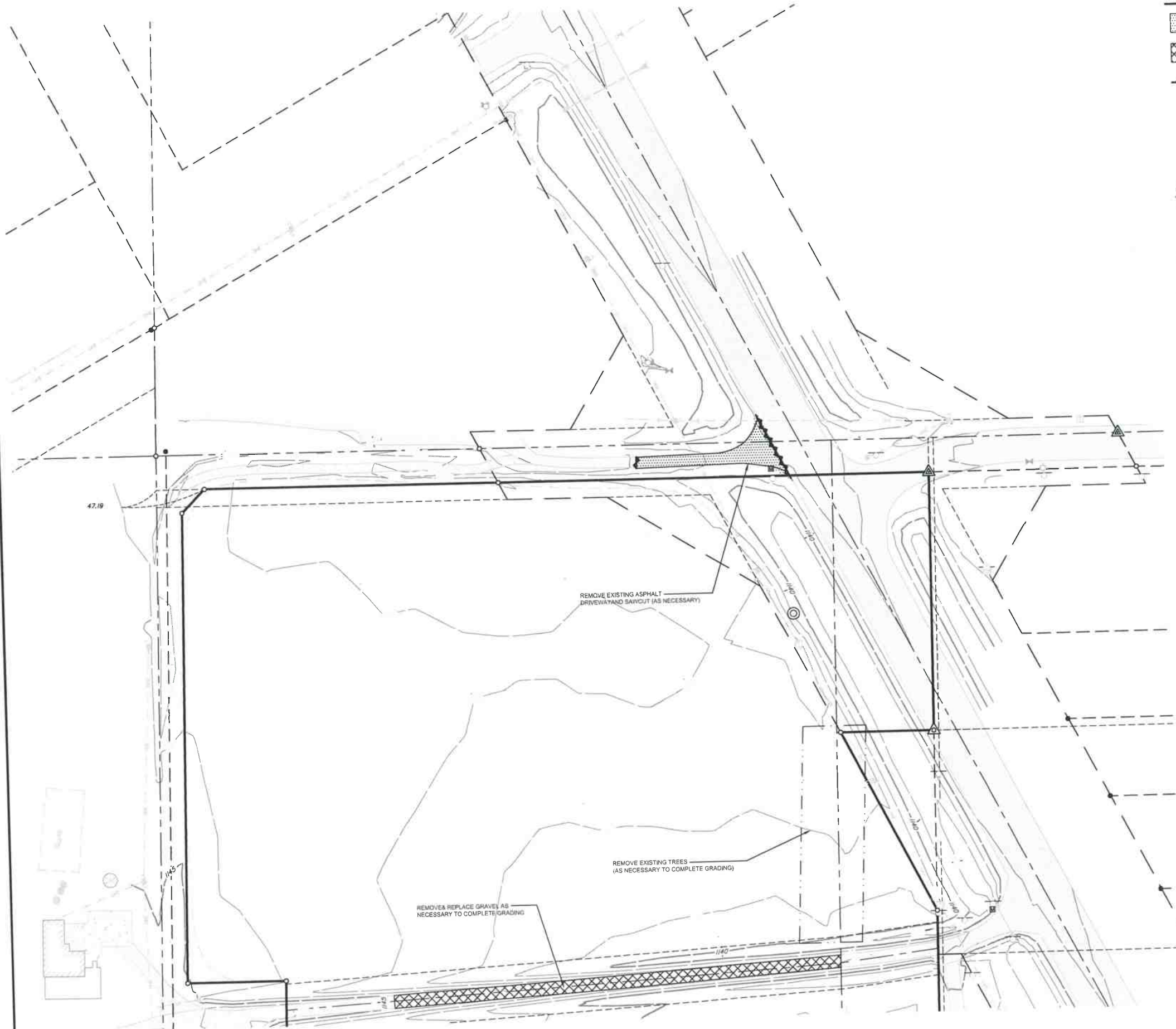


LEGEND:

- Denotes set iron monument
- Denotes found iron monument
- Denotes sign
- Denotes power pole
- Denotes found cast iron monument
- Denotes well nail
- Denotes found metal disk
- LS 42621 Denotes Daniel M. Kron, LS
- LS 10918 Denotes Stoney P. Williamson, LS
- D. Denotes dead dimension
- M. Denotes measured dimension
- Denotes well
- Denotes septic inspection pipe
- Denotes bituminous surface
- Denotes gravel surface
- Denotes overhead electric
- Denotes underground gas line
- Denotes wood fence
- Denotes barbed wire fence
- Denotes major contour
- Denotes minor contour
- Denotes cable television box
- Denotes hydrant
- Denotes water valve
- Denotes sanitary manhole
- Denotes telephone pedestal
- Denotes mailbox
- Denotes septic tank



REV		DATE	DESCRIPTION
NO.		08/22/2021	FINAL PLANS FOR CONSTRUCTION
DESIGN BY:		CN	
DRAWN BY:		CN	
CHECKED BY:		CJD	
DWG FILE:		EXISTING	
FILE NO.:		21-0313.00	
BOGART, PEDERSON & ASSOCIATES, INC. LAND SURVEYING CIVIL ENGINEERING ENVIRONMENTAL SERVICES 12076 FIRST STREET, BECKER, MN 55308-9322 TEL: 763-263-8822 FAX: 763-263-8840			
TRIPLE E STORAGE FACILITY TRIPLE E SECURE STORAGE, LLC CITY OF FOLEY, BENTON COUNTY, MN		EXISTING CONDITIONS	
SHEET NO.		V1	



LEGEND:

- REMOVE PAVEMENT SECTION (AS INDICATED).
- REMOVE AREA (AS INDICATED)
- SAW-CUT



DEMOLITION GENERAL NOTES:

- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PERFORM OR COORDINATE ALL UTILITY CONNECTIONS AND RELOCATIONS FROM EXISTING UTILITY LOCATIONS TO THE PROPOSED BUILDING, AS WELL AS TO ALL ON-SITE AMENITIES. THESE CONNECTIONS INCLUDE BUT ARE NOT LIMITED TO WATER, SANITARY SEWER, UNDERGROUND GAS, ETC.
- THE CONNECTIONS SHALL BE PERFORMED IN ACCORDANCE WITH STATE AND LOCAL STANDARD SPECIFICATIONS FOR CONSTRUCTION. UTILITY CONNECTIONS (UNDERGROUND GAS, WATERMAIN, AND STORM SEWER) MAY REQUIRE A PERMIT FROM THE CITY.
- THE CONTRACTOR SHALL VERIFY THE ELEVATIONS AT PROPOSED CONNECTIONS TO EXISTING UTILITIES PRIOR TO ANY DEMOLITION.
- CONTRACTOR SHALL COORDINATE WITH THE CITY OF FOLEY FOR ALL UTILITY DISCONNECTIONS, SERVICE TERMINATIONS AND REMOVALS. CONTRACTOR SHALL COORDINATE UTILITY DISCONNECTIONS AND RELOCATIONS WITH THE UTILITY PROVIDERS PRIOR TO THE START OF CONSTRUCTION. ALL SERVICE CONNECTIONS/DISCONNECTIONS SHALL BE PERFORMED IN ACCORDANCE WITH STATE AND LOCAL STANDARD SPECIFICATIONS FOR CONSTRUCTION. CONTRACTOR SHALL OBTAIN ALL NECESSARY STATE AND LOCAL PERMITS NECESSARY FOR UTILITY CONSTRUCTION AND WORK WITHIN ADJACENT RIGHT-OF-WAYS.
- IF DEWATERING IS REQUIRED FOR THIS PROJECT, THE PUMP DISCHARGE SHALL BE TREATED PRIOR TO BEING DISCHARGED OFF-SITE OR INTO A SURFACE WATER. THE DISCHARGE SHALL BE VISUALLY CHECKED TO ENSURE THAT IT IS VISIBLY CLEAN WATER.
- CONTRACTOR SHALL PROTECT UTILITIES, STRUCTURES AND TREES (NOTED AND NOT NOTED) TO REMAIN AND SHALL BE RESPONSIBLE TO REPAIR DAMAGES TO ANY FEATURES TO REMAIN.
- TREES 6" AND LARGER AND OTHER NOTABLE VEGETATION WERE IDENTIFIED AND LOCATED DURING THE COURSE OF THE SURVEY. CONTRACTOR SHALL FIELD VERIFY THE EXISTING CONDITIONS OF THE PROJECT AREA AND REMOVE ALL TREES NOT DESIGNATED TO BE SAVED AND PROTECTED. ALL TREES, DEBRIS, ROOTS, BOULDERS AND TOPSOIL SHALL BE REMOVED FROM THE SITE.

REV. NO.	DATE	DESCRIPTION
1	09/22/2021	FINAL PLANS FOR CONSTRUCTION

DATE:	09/17/2021
DESIGN BY:	CN
DRAWN BY:	CN
CHECKED BY:	CLO
DWG FILE:	DEMOLITION
FILE NO.:	21-0313.00

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Signed: Christopher J. Dahn
Date: 09/22/2021 Lic. No. 56628

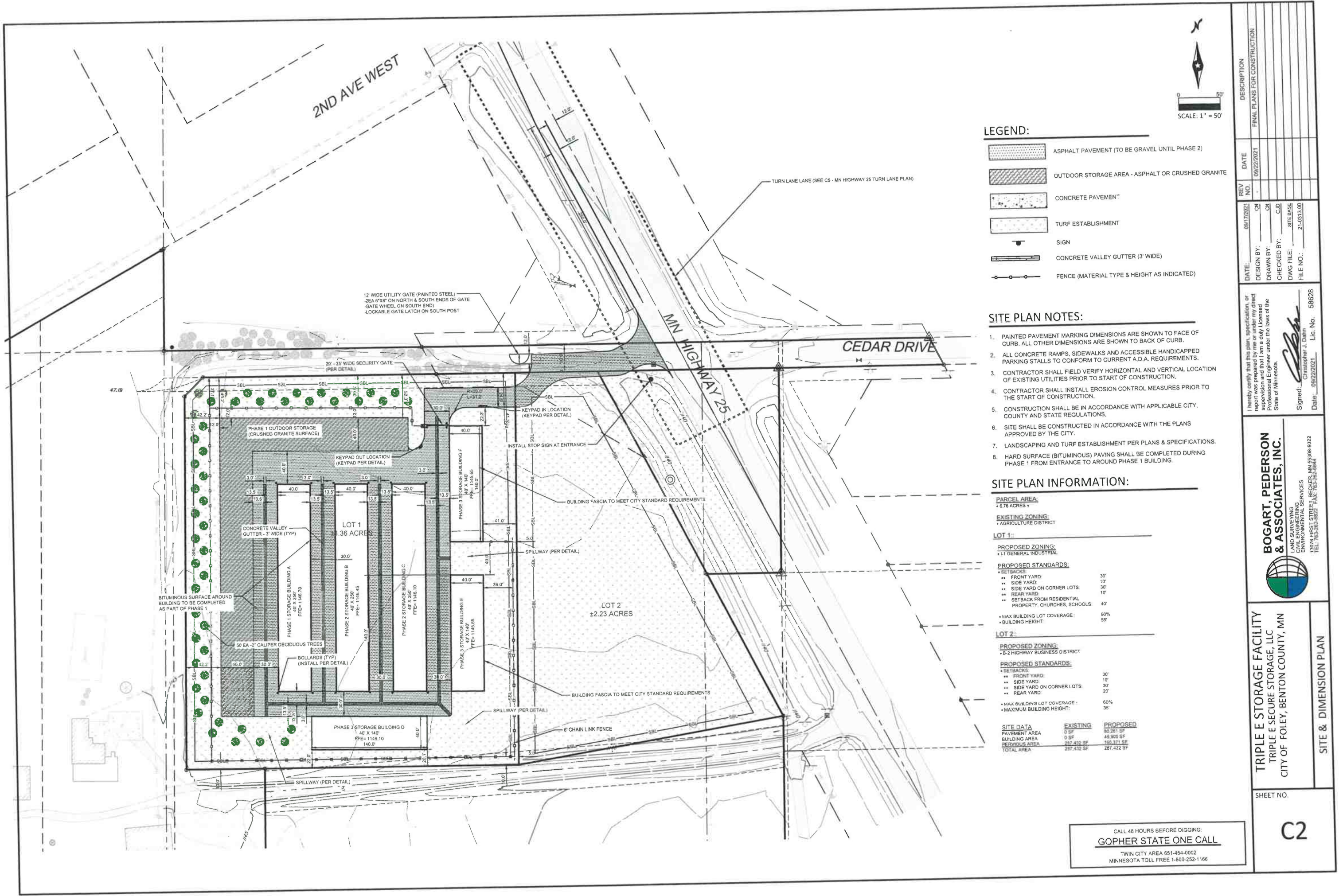
BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
CIVIL ENGINEERING
ENVIRONMENTAL SERVICES
13075 FIRST STREET, SUITE 200, BENTON COUNTY, MN 55309-4922
TEL: 763-262-8822 FAX: 763-262-8844

TRIPLE E STORAGE FACILITY
TRIPLE E SECURE STORAGE, LLC
CITY OF FOLEY, BENTON COUNTY, MN

SHEET NO. **C1**

DEMOLITION PLAN

CALL 48 HOURS BEFORE DIGGING:
GOPHER STATE ONE CALL
TWIN CITY AREA 651-454-0002
MINNESOTA TOLL FREE 1-800-252-1166



**BOGART, PEDERSON
& ASSOCIATES, INC.**



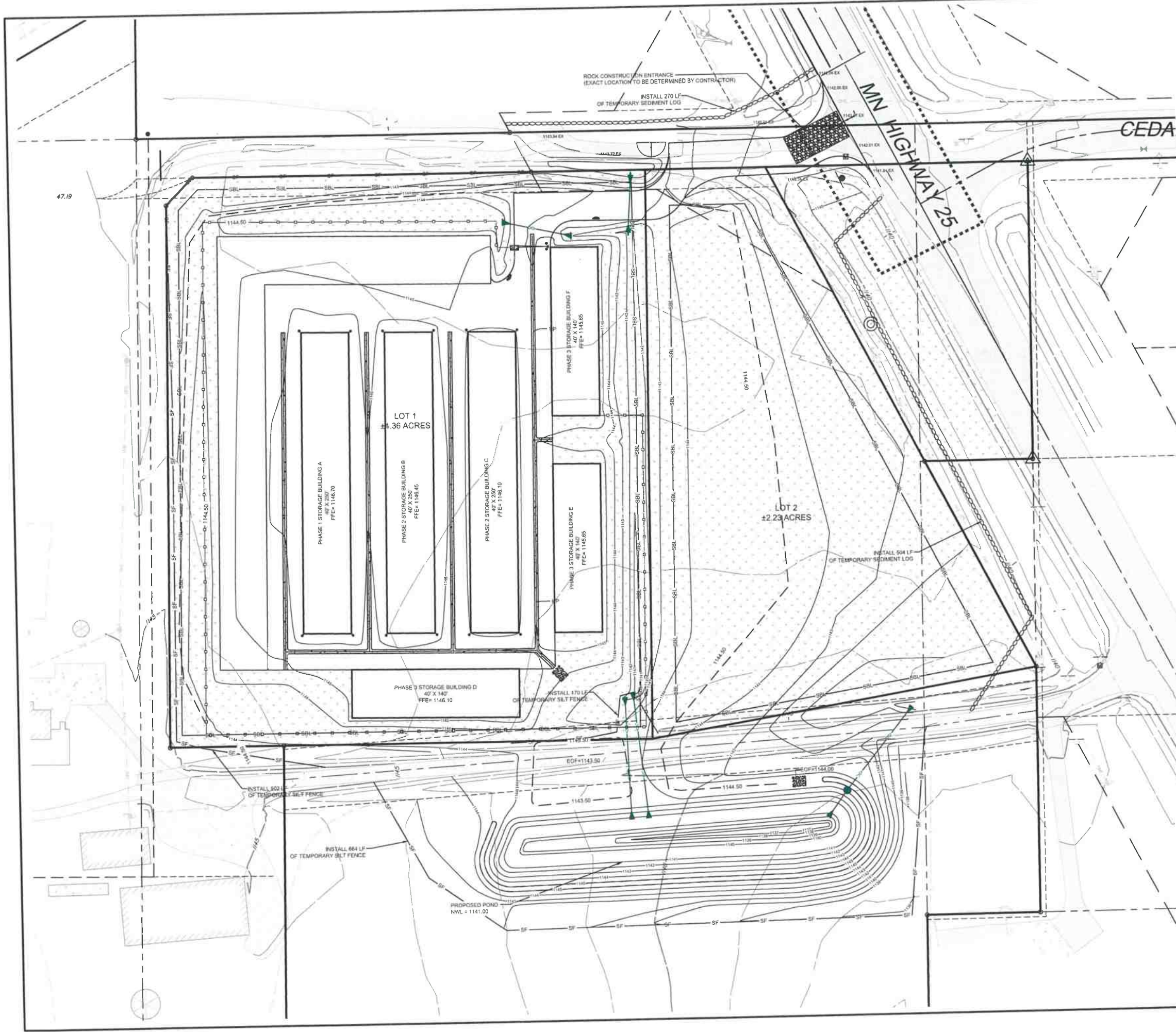
TRIPLE E STORAGE FACILITY
TRIPLE E SECURE STORAGE, LLC
CITY OF FOLEY, BENTON COUNTY, MN

SHEET NO.

C2

SITE & DIMENSION PLAN

REV	NO.	DATE	DESCRIPTION
1	08/17/2021	08/17/2021	FINAL PLANS FOR CONSTRUCTION
2	09/22/2021	09/22/2021	
3	09/22/2021	09/22/2021	
4	09/22/2021	09/22/2021	
5	09/22/2021	09/22/2021	
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100	09/22/2021	09/22/2021	



LEGEND:


- TEMPORARY ROCK CONSTRUCTION ENTRANCE
- EROSION CONTROL BLANKET (PER DETAIL)
- GRADING LIMITS AND PROPOSED TEMPORARY SILT FENCE
- FIBER-LOG ROLLS
- PROPOSED RIP RAP
- PROPOSED CONTOUR
- EMERGENCY OVERTFLOW

EROSION CONTROL NOTES:

- CONTRACTOR SHALL CONFINE CONSTRUCTION OPERATIONS TO THE CONSTRUCTION/GRADING LIMITS SHOWN.
- ALL WORK SHALL CONFORM TO THE MINNESOTA POLLUTION CONTROL AGENCY'S STORM WATER PERMIT REQUIREMENTS. CONTRACTOR SHALL OBTAIN ALL PERMITS AND COMPLY WITH ALL PERMIT REQUIREMENTS.
- THE SITE SOIL EROSION AND SEDIMENT CONTROL FACILITIES SHALL BE INSTALLED PRIOR TO ANY DEMOLITION OR GRADING OPERATIONS AND MAINTAINED TO CONFORM WITH THE STANDARDS SPECIFIED BY THE PERMIT.
- CONTRACTOR SHALL INSPECT TEMPORARY EROSION CONTROL MEASURES ON THE ENTIRE SITE AT LEAST EVERY 7 DAYS AND WITHIN 24 HOURS OF ANY MEASURABLE RAINSTORM. DAMAGED SILT FENCE OR OTHER EROSION CONTROL DEVICES OR PRACTICES SHALL BE REPAIRED IMMEDIATELY. INSPECTION AND MAINTENANCE OF DEVICES SHALL CONTINUE UNTIL THE SITE HAS UNDERGONE FINAL STABILIZATION AND A NOTICE OF TERMINATION IS SUBMITTED TO THE MPCA.
- ALL GRADING OPERATIONS SHALL BE CONDUCTED IN A MANNER TO MINIMIZE THE POTENTIAL FOR SITE EROSION.
- THE SITE SOIL EROSION AND SEDIMENT CONTROL FACILITIES SHALL BE INSTALLED AND MAINTAINED TO CONFORM WITH THE STANDARDS SPECIFIED BY THE CITY OF FOLEY AND THE MPCA.
- EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE DISTURBANCE OF ANY AREAS AND MAINTAINED UNTIL ALL TRIBUTARY DISTURBED AREAS ARE RESTORED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL EROSION CONTROL MEASURES, INCLUDING SILT FENCE AND BALES, UPON ESTABLISHMENT OF PERMANENT VEGETATION IN SAID AREAS.
- ALL SOILS TRACKED ONTO PAVEMENT OR ANY OTHER OFF-SITE AREA SHALL BE REMOVED DAILY.
- THE SITE SEDIMENT CONTROL FACILITIES FOR THE PROJECT MUST BE INSTALLED PRIOR TO ANY GRADING OPERATION.
- ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED AND VEGETATED AS SOON AS POSSIBLE. ANY FINISHED AREAS SHALL BE SEEDED AND MULCHED WITHIN 7 DAYS AFTER FINISHED GRADING IS COMPLETED IN ACCORDANCE TO MN/DOT 2575.
- ALL DISTURBED AREAS SHALL BE REVEGETATED WITH MN/DOT SEED MIX, MULCHED, FERTILIZED & DISK ANCHORED, PER THE FOLLOWING SCHEDULE:
SEED MIX 25-131: 220 LB/AC.
FERTILIZER 22-5-10: 350 LB/AC.
MULCH TYPE 3: 2 TONS/AC.
- CONTRACTOR SHALL INSTALL TEMPORARY SEDIMENT BMP'S SHOWN AND NOT SHOWN ON PLANS DURING PHASING ON PROJECT TO COMPLY WITH MPCA, CITY INSPECTOR AND DEVELOPER REQUEST

REV	NO.	DATE	DESCRIPTION
1	09/17/2021	09/17/2021	FINAL PLANS FOR CONSTRUCTION
DESIGN BY:	CH		
DRAWN BY:	CH		
CHECKED BY:	CJD		
DWG FILE:	EROSION		
FILE NO.:	21-0313.00		

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Signed:  Christopher J. Damm
Date: 09/22/2021 Lic. No. 58628

BOGART, PEDERSON & ASSOCIATES, INC.

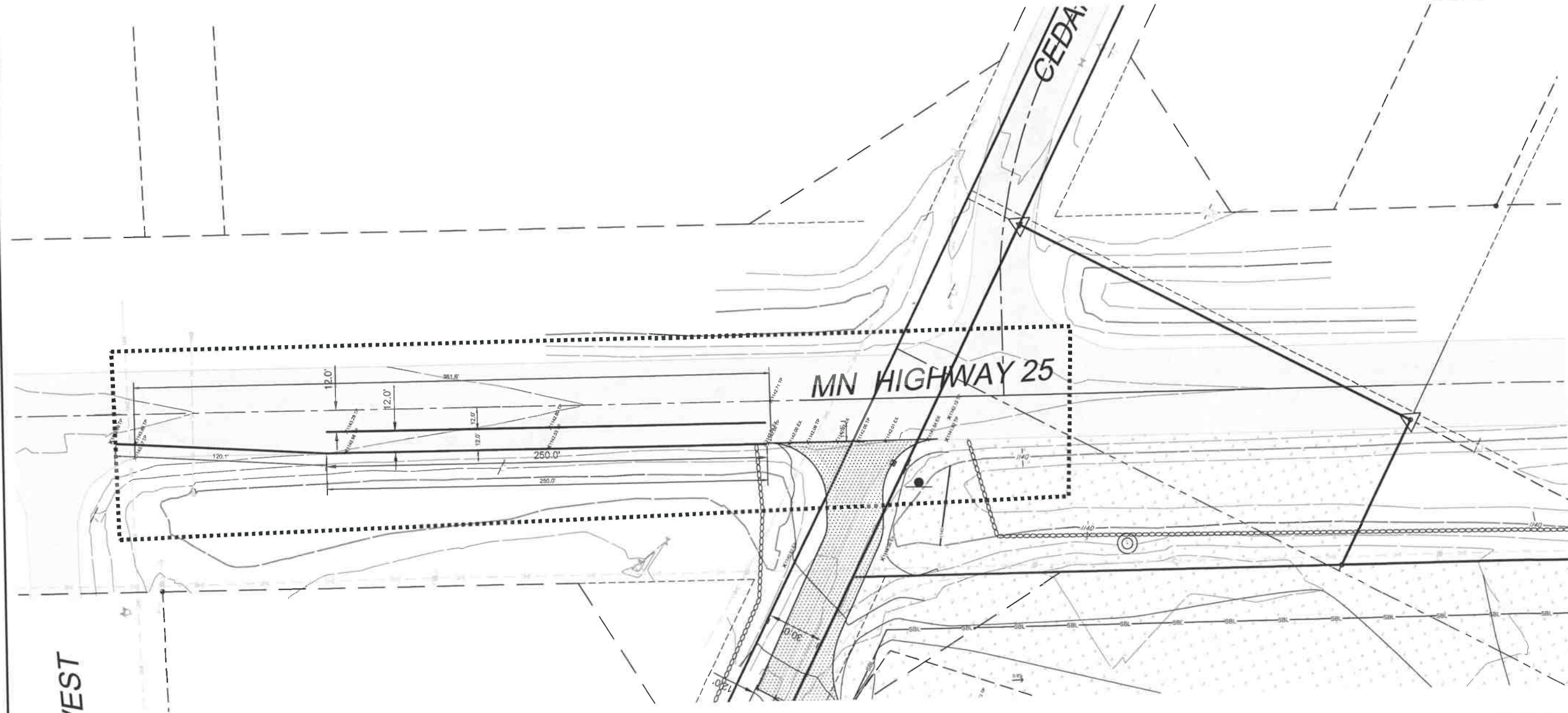
LAND SURVEYING
CIVIL ENGINEERING
ENVIRONMENTAL SERVICES

1076 FLYING DUTCHMAN BLVD.
ST. CLOUD, MN 56308-9322
TEL: 763-326-8822 FAX: 763-326-8844

TRIPLE E STORAGE FACILITY
TRIPLE E SECURE STORAGE, LLC
CITY OF FOLEY, BENTON COUNTY, MN

SHEET NO.
C4

EROSION CONTROL PLAN



LEGEND:

- × 980.50 TP NEW TOP OF PAVEMENT ELEVATION
- × 980.50 TG NEW TOP OF GRAVEL ELEVATION
- 984 — PROPOSED CONTOUR

SCALE: 1" = 30'

REV NO.	DATE	DESCRIPTION
00172021	08/22/2021	FINAL PLANS FOR CONSTRUCTION
01	08/22/2021	DESIGN BY: CN
02	08/22/2021	DRAWN BY: CN
03	08/22/2021	CHECKED BY: CJD
04	08/22/2021	DWG FILE: SITE BASE
05	08/22/2021	FILE NO: 21-0313.00

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Signed: Christopher J. Dahm
Date: 09/22/2021 Lic. No. 58628

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
CIVIL ENGINEERING
ENVIRONMENTAL SERVICES
10075 FIRST STREET, BENTON COUNTY, MN 55008-9322
TEL: 763-444-9422 FAX: 763-444-9424

TRIPLE E STORAGE FACILITY
TRIPLE E SECURE STORAGE, LLC
CITY OF FOLEY, BENTON COUNTY, MN

SHEET NO. **C5**

MN HIGHWAY 25 TURN LANE PLAN

CALL 48 HOURS BEFORE DIGGING:
GOPHER STATE ONE CALL
TWIN CITY AREA 651-454-0002
MINNESOTA TOLL FREE 1-800-252-1166

STORM WATER POLLUTION PREVENTION PLAN NARRATIVE:

GENERAL INFORMATION

THIS STORMWATER POLLUTION PREVENTION PLAN IS PREPARED IN ACCORDANCE TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. MN R100001 FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY. PROJECT NAME: TRIPLE E SECURE STORAGE LOCATION: CEDAR DRIVE AND HWY 25, FOLEY MN. 56329 BENTON COUNTY LAT/LONG: 45.659205, -93.818347

DESCRIPTION OF CONSTRUCTION ACTIVITY:

DEVELOPMENT CONSISTS OF PAVING, GRADING, UTILITY INSTALLATION, AND TURF ESTABLISHMENT.

PROJECT CONTACTS

BRETT OGG AND THE CONTRACTOR ARE RESPONSIBLE FOR IMPLEMENTATION OF THE SWPPP AND THE INSTALLATION, INSPECTION, AND MAINTENANCE OF THE EROSION PREVENTION AND SEDIMENT CONTROL BMP'S BEFORE AND DURING CONSTRUCTION.

SWPPP PREPARATION: SWPPP PREPARER: CHRISTOPHER DAHN BOGART, PEDERSON & ASSOCIATES ENGINEER AND SWPPP DESIGNER (EXP 2022) 13076 FIRST STREET BECKER, MN 55308-9322 763-252-4822 CDahn@BOGART-PEDERSON.COM OWNER: BRETT OGG 2417 55TH ST, NORTHEAST, SAUK RAPIDS MN. 56379 ADDRESS: (320)890-0333 8 OG24@YAHOO.COM TELEPHONE: EMAIL:

CONTRACTOR (TO BE FILLED OUT BY THE CONTRACTOR)

BUSINESS NAME _____ OWNER NAME _____ MAILING ADDRESS _____ CITY _____ TELEPHONE _____ EMAIL _____ CONTACT NAME _____ MAILING ADDRESS _____ CITY _____ TELEPHONE _____ EMAIL _____

ESTIMATED DATES OF CONSTRUCTION:

START DATE: (TO BE FILLED IN BY CONTRACTOR) COMPLETION DATE: (TO BE FILLED IN BY CONTRACTOR)

PERMANENT STORMWATER DESIGN CALCULATIONS:

SEE THE STORM WATER MANAGEMENT REPORT FOR MORE INFORMATION. CONTACT BOGART, PEDERSON & ASSOCIATES FOR REPORT. PROPOSED FLOW RATE IS LIMITED THROUGH LESS IMPERVIOUS SURFACE AND STORM WATER BEING DIRECTED TO AN WET RETENTION BASIN.

SOIL GROUP: D

DESCRIPTION OF EROSION CONTROL ACTIVITY:

EROSION CONTROL CONSISTS OF SILT FENCE PERIMETER CONTROL, TURF ESTABLISHMENT THROUGH SEEDING AND EROSION CONTROL BLANKET, AND ROCK CONSTRUCTION ENTRANCE PLACEMENT.

CUMULATIVE IMPERVIOUS SURFACES:

AREA OF DISTURBANCE: 7.43 ACRES PRE-CONSTRUCTION IMPERVIOUS AREA: 0.00 ACRES POST CONSTRUCTION IMPERVIOUS AREA: 2.92 ACRES NEW IMPERVIOUS AREA: 2.92 ACRES

RECEIVING WATERS:

STORM WATER FROM THIS SITE WILL BE DISCHARGED TO THE MN HIGHWAY 25 DITCH.

PLANS AND SPECIFICATIONS

THE PLAN SHEETS OF THIS PLAN SET INDICATE THE FOLLOWING ITEMS: THE PROJECT LOCATION AND CONSTRUCTION LIMITS. LOCATIONS OF IMPERVIOUS SURFACES. LOCATIONS OF AREAS NOT TO BE DISTURBED (E.G., BUFFER ZONES, WETLANDS, ETC.). STEEP SLOPE LOCATIONS. LOCATIONS OF ALL TEMPORARY AND PERMANENT EROSION AND SEDIMENT CONTROL BMP'S TO BE INSTALLED ON THE PROJECT. THE DETAIL SHEETS INDICATE EROSION AND SEDIMENT CONTROL BMP'S TO BE INSTALLED ON THE PROJECT. IF DEWATERING IS REQUIRED FOR THIS PROJECT, THE PUMP DISCHARGE SHALL BE TREATED PRIOR TO BEING DISCHARGED OFF-SITE OR INTO A SURFACE WATER. THE DISCHARGE SHALL BE VISUALLY CHECKED TO ENSURE THAT IT IS VISIBLY CLEAN WATER.

TEMPORARY SEDIMENT CONTROL PRACTICES

DOWN GRADIENT SILT FENCE AND SEDIMENT LOG INSTALLATIONS ARE TO BE IN PLACE PRIOR TO THE COMMENCEMENT OF ANY EARTHWORK OPERATIONS.

TOPSOIL IS TO BE WINDOWRED ALONG THE CONSTRUCTION LIMITS AND PLACED AS SLOPE DRESSING IMMEDIATELY FOLLOWING COMPLETION OF THE GRADING OPERATIONS. AS THE GRADING OPERATIONS PROCEED.

TOPSOIL PLACEMENT ALONG THE EMBANKMENT SLOPES THOUGH THE WETLANDS AREA IS TO BE SPREAD BY A LOW IMPACT CRAWLER TRACTOR OPERATING UP AND DOWN THE SLOPES SO AS TO PROVIDE TRACK PRINTS PARALLEL WITH THE CONTOURS.

INSTALLATION OF MINDOT CATEGORY 3 EROSION CONTROL BLANKET ALONG THE EMBANKMENT SLOPES ADJACENT THE WETLANDS AREA.

ALL TEMPORARY SOILS STOCKPILES WILL REQUIRE AN EFFECTIVE MEANS OF SEDIMENT CONTROL SUCH AS AN EROSION CONTROL BLANKET COVERING OR SILT FENCE INSTALLATION ALONG THE TOE OF SLOPE.

ALL COMPLETED SWALES SLOPES AND BOTTOMS NOT DRAINING TOWARDS WETLAND AREAS ARE TO BE STABILIZED WITHIN 7 DAYS.

TEMPORARY STABILIZATION WILL BE REQUIRED IN AREAS WHERE GRADING OPERATIONS ARE SUSPENDED OR CEASED FOR A PERIOD OF 7 DAYS OR GREATER.

A ROCK CONSTRUCTION ENTRANCE FOR SEDIMENT CONTROL IS TO BE PROVIDED AT THE PROJECT ENTRANCE ON MN HIGHWAY 25.

STREET SWEEPING OF THE PAVED SURFACES WILL BE REQUIRED AS DIRECTED BY THE ENGINEER.

TIMING OF EROSION CONTROL:

SILT FENCE AND SEDIMENT LOGS WILL BE INSTALLED PRIOR TO CONSTRUCTION.

RIPRAP AND FILTER BLANKET WILL BE PLACED AT THE OUTLETS WITHIN 24 HOURS OF THE OUTLET PLACEMENT.

THE CONTRACTOR MUST STABILIZE ALL EXPOSED SOIL AREAS IMMEDIATELY FOLLOWING CONSTRUCTION WHEREVER CONSTRUCTION WILL NOT OCCUR FOR A PERIOD GREATER THAN OR EQUAL TO 7 DAYS.

STABILIZATION WORK MUST BE COMPLETE WITHIN 7 CALENDAR DAYS AFTER THE CONSTRUCTION WORK IN THAT AREA HAS TEMPORARILY OR PERMANENTLY CEASED.

AREAS THAT ARE WITHIN 200 FT OF A PUBLIC WATER MUST BE STABILIZED WITHIN 24 HOURS OF COMPLETING CONSTRUCTION DURING PERIODS OF "WORK IN WATER RESTRICTIONS" FOR TIME PERIODS DECLARED BY THE DNR.

THE CONTRACTOR IS RESPONSIBLE TO MAINTAIN THE DISTURBED AREA UNTIL VEGETATION IS ESTABLISHED.

ONCE VEGETATION IS ESTABLISHED AND CONSTRUCTION IS COMPLETE, THE SILT FENCE AND ANY OTHER TEMPORARY EROSION CONTROL THAT IS NOT BIODEGRADABLE SHALL BE REMOVED.

STREET SWEEPING TO BE PROVIDED AS DIRECTED BY THE ENGINEER OR OWNER. THE CITY REQUIRES STREET SWEEPING TO OCCUR WITHIN 8 HOURS OF NOTICE FROM THE CITY.

APPLYING MULCH, HYDROMULCH, TACKIFIER, POLYACRYLAMIDE OR SIMILAR EROSION PREVENTION PRACTICES IS NOT ACCEPTABLE STABILIZATION IN ANY PART OF A TEMPORARY OR PERMANENT DRAINAGE DITCH OR SWALE. BLANKETS OR OTHER APPROVED, BY THE ENGINEER, METHOD SHALL BE USED.

INSPECTION AND MAINTENANCE ACTIVITIES

THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING AND SCHEDULING THE WORK OF ALL OPERATIONS, INCLUDING SUBCONTRACTORS AND UTILITY COMPANIES, SUCH THAT EROSION AND SEDIMENT CONTROL MEASURES ARE FULLY EXECUTED FOR EACH OPERATION AND IN A TIMELY MANNER OVER THE DURATION OF THE PROJECT. OPERATORS HAVE DAILY ACCESS TO THE PROJECT SITE. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR THE SWPPP IMPLEMENTATION UNTIL THE ENTIRE SITE HAS UNDERGONE FINAL STABILIZATION AND N.O.T HAS BEEN SUBMITTED TO THE MPCA.

THE CONTRACTOR IS TO PROVIDE A TRAINED INDIVIDUAL RESPONSIBLE FOR THE IMPLEMENTATION. INSPECTION AND MAINTENANCE OF THE EROSION AND SEDIMENT CONTROL BMP'S ON THE PROJECT. THAT INDIVIDUAL IS TO BE IDENTIFIED AT THE PRE-CONSTRUCTION CONFERENCE AND LISTED IN THE MINUTES THEREOF.

THE APPOINTED INDIVIDUAL IS TO PERFORM A ROUTINE INSPECTION OF THE ENTIRE SITE AT LEAST ONCE EVERY SEVEN DAYS DURING CONSTRUCTION OPERATIONS AND WITHIN 24 HOURS AFTER A RAINFALL EVENT GREATER THAN 0.5 INCHES IN 24 HOURS.

A INSPECTION FORM WILL BE PROVIDED BY THE CONTRACTOR. ANY DEFICIENCIES IN THE EROSION AND SEDIMENT CONTROL BMP'S ARE TO BE NOTED ON THE INSPECTION FORM AND CORRECTED BY THE END OF THE NEXT BUSINESS DAY.

PERIMETER CONTROL DEVICES ARE TO BE REPAIRED OR REPLACED WHEN THEY ARE NO LONGER EFFECTIVE OR WHEN THE SEDIMENT REACHES ONE-HALF THE HEIGHT OF THE DEVICE.

TRAINING DOCUMENTATION:

SWPPP IMPLEMENTATION, REVISING, AMENDING, AND INSPECTING (TO BE FILLED IN BY THE CONTRACTOR) NAME OF INDIVIDUAL OVERSEEING & INSPECTING DATE OF TRAINING NAME OF INSTRUCTOR ENTITY PROVIDING TRAINING CONTENT OF TRAINING TOTAL HOURS OF TRAINING

BMP INSTALLATION, MAINTENANCE, AND REPAIR (TO BE FILLED IN BY THE CONTRACTOR)

NAME OF INDIVIDUAL OVERSEEING & INSPECTING DATE OF TRAINING NAME OF INSTRUCTOR ENTITY PROVIDING TRAINING CONTENT OF TRAINING TOTAL HOURS OF TRAINING

POLLUTION PREVENTION

FERTILIZERS ARE TO BE APPLIED ONLY IN THE AMOUNTS AS SPECIFIED AND WORKED INTO THE SOIL TO MINIMIZE EXPOSURE TO STORMWATER RUNOFF.

ONSITE REFUELING OPERATIONS ARE TO BE CONDUCTED WITH CARE. ANY INADVERTENT SPILLAGE OF FUEL OR CHEMICALS IS TO BE IMMEDIATELY CLEANED UP. REMOVED FROM THE SITE AND DISPOSED OF IN ACCORDANCE TO STATE AND LOCAL REGULATIONS. MAJOR SPILLS ARE TO BE REPORTED TO THE MPCA 24 HOUR NOTIFICATION NETWORK AT 800 422 0798. ALL VEHICLES ON-SITE ARE TO BE MONITORED FOR LEAKS AND SUBJECT TO ROUTINE PREVENTIVE MAINTENANCE EFFORTS TO REDUCE THE LIKELIHOOD OF LEAKAGE AND OR SPILLS.

PORTABLE SANITARY WASTE FACILITIES ARE TO BE PROVIDED ONSITE AND EMPTIED ON A BI-WEEKLY BASIS.

CONCRETE BATCH TRUCKS WILL NOT BE ALLOWED TO DISCHARGE DRUM AND CHUTE WASHOUT DIRECTLY ON THE GROUND. A PORTABLE WASHOUT RECEPTACLE IS TO BE PROVIDED BY THE CONTRACTOR AT THE LOCATION AS PROVIDED BY THE OWNER.

FINAL STABILIZATION

FINAL STABILIZATION OCCURS WHEN 70 PERCENT OF THE PERVIOUS AREA IS COVERED WITH UNIFORM, PERMANENT VEGETATION.

ALL TEMPORARY EROSION AND SEDIMENT CONTROL FEATURES ARE TO BE REMOVED AND THE NPDES NOTICE OF TERMINATION IS TO BE PREPARED AND SUBMITTED TO THE MPCA.

LOCATION OF SWPPP REQUIREMENTS IN PROJECT PLAN

DESCRIPTION TITLE LOCATION EROSION CONTROL DETAILS CONSTRUCTION DETAILS C7 EROSION CONTROL LOCATIONS EROSION CONTROL LOCATIONS C4

24 HOUR MPCA EMERGENCY NOTIFICATION: TELEPHONE NUMBERS: 651-649-5451 800-422-0798

ESTIMATED QUANTITIES:

THE FOLLOWING QUANTITIES IS AN ESTIMATED PRELIMINARY AMOUNT REQUIRED FOR SEDIMENT CONTROL. BMP'S AT THE START OF THE PROJECT. THIS ESTIMATE IS PROVIDED AS REQUIRED BY THE MINNESOTA POLLUTION CONTROL AGENCY GENERAL STORMWATER PERMIT FOR CONSTRUCTION ACTIVITY. ANY ADDITIONAL AND/OR REPLACEMENT BMP'S QUANTITIES WILL BE FURNISHED AND INSTALLED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.

ESTIMATED PRELIMINARY QUANTITIES AT START OF PROJECT: ITEM UNIT ESTIMATED INITIAL QUANTITY TEMPORARY CONSTRUCTION ENTRANCE EA 1 TEMPORARY SEDIMENT FILTER EA 0 TEMPORARY CONCRETE WASHOUT EA 1 TEMPORARY PUMP SEDIMENT CONTROL DEVICE LF 711 TEMPORARY SEDIMENT LOGS LF 1,736 TEMPORARY SILT FENCE LF

TEMPORARY EROSION AND SEDIMENT CONTROL SPECIFICATIONS

PART 1 GENERAL

1.01 SECTION INCLUDES

A. PREVENTION OF SEDIMENTATION OF WATERWAYS, OPEN DRAINAGE WAYS, AND STORM AND SANITARY SEWERS DUE TO CONSTRUCTION ACTIVITIES.

1.02 REFERENCE STANDARDS

A. GENERAL PERMIT AUTHORIZATION TO DISCHARGE STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM. MINNESOTA PERMIT NO. MN R100001.

1.03 PERFORMANCE REQUIREMENTS

A. COMPLY WITH ALL REQUIREMENTS OF THE MINNESOTA POLLUTION CONTROL AGENCY FOR EROSION AND SEDIMENT CONTROL.

B. DO NOT BEGIN CLEARING, GRADING, OR OTHER WORK INVOLVING DISTURBANCE OF GROUND SURFACE COVER UNTIL APPLICABLE PERMITS HAVE BEEN OBTAINED; FURNISH ALL DOCUMENTATION REQUIRED TO OBTAIN APPLICABLE PERMITS.

1. OBTAIN AND PAY FOR PERMITS REQUIRED BY AUTHORITY HAVING JURISDICTION.

C. TIMING: PUT PREVENTIVE MEASURES IN PLACE PRIOR TO DISTURBANCE OF SURFACE COVER AND BEFORE PRECIPITATION OCCURS.

D. EROSION OFF SITE: PREVENT EROSION OF SOIL AND DEPOSITION OF SEDIMENT ON OTHER PROPERTIES CAUSED BY WATER LEAVING THE PROJECT SITE DUE TO CONSTRUCTION ACTIVITIES FOR THIS PROJECT.

1. PREVENT TRACKING OF MUD ONTO PUBLIC ROADS OUTSIDE SITE.

2. PREVENT MUD AND SEDIMENT FROM FLOWING ONTO PAVEMENTS.

E. SEDIMENTATION OF WATERWAYS OFF SITE: PREVENT SEDIMENTATION OF WATERWAYS OFF THE PROJECT SITE, INCLUDING RIVERS, STREAMS, LAKES, PONDS, OPEN DRAINAGE WAYS, STORM SEWERS, AND SANITARY SEWERS.

1. IF SEDIMENTATION OCCURS, INSTALL OR CORRECT PREVENTIVE MEASURES IMMEDIATELY AT NO COST TO OWNER. REMOVE DEPOSITED SEDIMENTS; COMPLY WITH REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.

F. MAINTENANCE: MAINTAIN TEMPORARY PREVENTIVE MEASURES UNTIL PERMANENT MEASURES HAVE BEEN ESTABLISHED.

PART 2 PRODUCTS

2.01 MATERIALS

A. TEMPORARY SILT FENCE: WOVEN POLYPROPYLENE GEOTEXTILE RESISTANT TO COMMON SOIL CHEMICALS, MILDEW AND INSECTS; NON-BIODEGRADABLE, IN LONGEST LENGTHS POSSIBLE; FABRIC INCLUDING SEAMS WITH THE FOLLOWING MINIMUM AVERAGE ROLL LENGTHS:

1. AVERAGE OPENING SIZE: 20 U.S. STD. SIEVE, MAXIMUM, WHEN TESTED IN ACCORDANCE WITH ASTM D4751.

2. PERMITTIVITY: 0.05 SEC-1, MINIMUM, WHEN TESTED IN ACCORDANCE WITH ASTM D4491.

3. ULTRAVIOLET RESISTANCE: RETAINING AT LEAST 70 PERCENT OF TENSILE STRENGTH, WHEN TESTED IN ACCORDANCE WITH ASTM D4353/4359 AFTER 500 HOURS EXPOSURE.

4. TENSILE STRENGTH: 100 LB-F, MINIMUM, IN CROSS-MACHINE DIRECTION; 124 LB-F, MINIMUM, IN MACHINE DIRECTION, WHEN TESTED IN ACCORDANCE WITH ASTM D4632.

5. ELONGATION: 15 TO 30 PERCENT, WHEN TESTED IN ACCORDANCE WITH ASTM D4533.

6. TEAR STRENGTH: 55 LB-F, MINIMUM, WHEN TESTED IN ACCORDANCE WITH ASTM D4632.

7. COLOR: MANUFACTURER'S STANDARD, WITH EMBEDMENT AND FASTENER LINES PREPRINTED.

8. SILT FENCE POSTS: ONE OF THE FOLLOWING, MINIMUM 5 FEET LONG:

a. STEEL U-OR T-SECTION, WITH MINIMUM MASS OF 1.33 LB PER LINEAR FOOT.

b. SOFTWOOD, 4 BY 2 INCHES IN CROSS SECTION.

c. HARDWOOD, 2 BY 2 INCHES IN CROSS SECTION.

B. TEMPORARY SEDIMENT LOGS: FILTER LOGS SHALL CONSIST OF TYPE WOOD FIBER BIOROLLS AND THE REQUIREMENTS OF MINDOT SPEC. 3897.

1. SHALL BE ONE OF THE FOLLOWING:

a. SHALL BE SILT/SOXX PERIMETER CONTROL BY FILTREXX, INC., OR EQUAL.

C. TEMPORARY SEDIMENT FILTER.

1. SHALL BE ONE OF THE FOLLOWING:

a. DROP-IN SEDIMENT FILTER UNIT THAT INSERTS INTO THE INLET.

1) SHALL BE FLEXSTORM PURE PERMANENT INLET FILTER BY ADS, INC., OR EQUAL.

(a) PROVIDE CURB OPENING PROTECTION FOR EXISTING INLETS WITH CURB OPENINGS.

D. TEMPORARY ROCK CONSTRUCTION ENTRANCE.

1. ROCK SHALL BE CLEAN 1 TO 2 INCH WASHED ROCK.

E. TEMPORARY SLOPE EROSION PROTECTION.

1. SHALL BE ONE OF THE FOLLOWING:

a. EROSION CONTROL BLANKET.

1) SHALL CONSIST OF A UNIFORM WEB OF INTERLOCKING STRAW OR WOOD FIBERS SANDWICHED BETWEEN AN ATTACHED TOP AND BOTTOM LAYER OF NET BACKING.

2) THE NETTING SHALL BE BIODEGRADABLE CONTAINING SUFFICIENT UV STABILIZATION FOR BREAKDOWN TO OCCUR WITHIN A NORMAL GROWING SEASON.

3) STAPLES USED TO ANCHOR THE BLANKETS SHALL BE U-SHAPED, 11 GAUGE OR HEAVIER STEEL WIRE HAVING A SPAN WIDTH OF 1 INCH AND A LENGTH OF 8 INCHES OR MORE FROM TOP TO BOTTOM AFTER BENDING.

4) THE EROSION CONTROL BLANKETS ACCEPTABLE FOR USE ON THIS PROJECT INCLUDE:

(a) GEO-SYNTHETICS, INC., - LANDLOK 52.

(b) NORTH AMERICAN GREEN - S150.

(c) OR EQUAL.

b. BONDED FIBER MATRIX.

1) THE FIBERS SHALL BE COMPOSED OF 100% WOOD OR WOOD BY-PRODUCTS, A MINIMUM OF 25% OF THE FIBERS SHALL AVERAGE 10 TO 16 MM (0.4 INCHES) IN LENGTH AND 50% OR MORE SHALL BE RETAINED ON A CLARK FIBER CLASSIFIER 24 MESH SCREEN. FIBERS SHALL BE COLORED WITH A WATER SOLUBLE, NON-TOXIC DYE, TO AID IN UNIFORM APPLICATION OVER THE SITE.

2) THE BINDER SHALL BE A HYDRO COLLOID BASED (GUAR GUM) WITH ADDED SLOW-RELEASE AND AGRICULTURAL BASED FERTILIZERS. THE BINDER SHALL NOT DISSOLVE OR DISPERSE UPON REWETTING.

3) THE BFM SLURRY SHALL DRY TO FORM A CRUST APPROXIMATELY 1.6 MM (1/16 TO 1/4 INCHES) THICK ADHERING TO THE SOIL SURFACE.

4) THE MOISTURE CONTENT OF THE MATRIX SHALL BE 12% +/- 3% BY WEIGHT.

5) THE MATRIX SHALL CONSIST OF MATERIALS THAT ARE 100% BIODEGRADABLE AND 100% BENEFICIAL TO PLANT LIFE.

6) THE MATRIX SHALL PROVIDE 100% CONTINUOUS COVERAGE AND SHALL HAVE NO HOLES GREATER THAN 1MM IN SIZE.

7) THE HYDRATED MIXTURE DENSITY SHALL BE APPROXIMATED BY A SLUMP TEST PRIOR TO APPLICATION.

8) THE BFM MULCH: WATER RATIO SHALL BE AS MANUFACTURER RECOMMENDATIONS, THE MINIMUM BFM MULCH TO WATER RATIO IS SOLBS BFM MULCH AND 100 GALLONS WATER, THE WATER RATE WILL VARY BETWEEN 100 GALLONS AND 125 GALLONS PER SOLBS, DEPENDING ON WHICH OF THE PRODUCTS IS USED.

9) THE BONDED FIBER MATRIX MULCH PRODUCTS ACCEPTABLE FOR USE ON THIS PROJECT INCLUDE:

(a) ECOAGERS - MANUFACTURED BY CANCOR.

(b) SOIL GUARD - MANUFACTURED BY MAT, INC.

(c) CONVED 3000 - MANUFACTURED BY CONVED FIBERS, INC.

F. TEMPORARY PUMPED SEDIMENT CONTROL DEVICE.

1. NON-WOVEN GEOTEXTILE FABRIC SEWN INTO A BAG USING A DOUBLE NEEDLE MACHINE AND HIGH STRENGTH THREAD.

a. SEAMS SHALL HAVE AN AVERAGE WIDTH STRENGTH OF 60 LB/INCH AS PER ASTM D4883 AND MEET OR EXCEED THE FOLLOWING:

1) GRAB TENSILE OF 205 LBS AS PER ASTM D 4632.

2) PUNCTURE OF 110 LBS AS PER ASTM D 4832.

3) FLOW RATE OF 95 GAL/MIN/SF AS PER ASTM D 4491.

4) PERMITTIVITY OF 1.5 SEC-1 AS PER ASTM D 4491.

5) MULLEN BURST STRENGTH OF 360 PSI AS PER ASTM D 3786.

6) AOS% OF 80% US SIEVE AS PER ASTM D 4751.

2. SPOUT LARGE ENOUGH TO ACCOMMODATE A 4 INCH DISCHARGE HOSE WITH STRAP TO TIE UNIT CLOSED.

3. SHALL BE ONE OF THE FOLLOWING:

a. DIRTBAG.

1) ACF ENVIRONMENTAL, INC., 2831 CARDWELL ROAD, RICHMOND, VIRGINIA 23234, 800-448-3636

b. DANDY DEWATERING BAG.

1) DANDY PRODUCTS, INC., P.O. BOX 1580, WESTERVILLE, OHIO 43086, 800-591-2284

c. OR EQUAL.

PART 3 EXECUTION

3.01 PREPARATION

A. SCHEDULE WORK SO THAT SOIL SURFACES ARE LEFT EXPOSED FOR THE MINIMUM AMOUNT OF TIME.

B. THE CONSTRUCTION SITE OPERATOR SHALL FOLLOW ALL REQUIREMENTS OF THE MINNESOTA STORMWATER PERMIT NO. MN R100001.

C. THE CONTRACTOR SHALL COMPLETE AND SIGN THE NOTICE OF INTENT, OBTAIN THE OWNER'S SIGNATURE, AND SUBMIT TO THE MPCA.

1. PROVIDE A SIGNED COPY TO THE OWNER.

3.02 INSTALLATION

A. TEMPORARY ROCK CONSTRUCTION ENTRANCE.

1. THE ROCK AREA SHALL BE A MINIMUM OF 6 INCHES DEEP. EXTEND THE FULL WIDTH OF THE EGRESS AREA AND SHALL BE AT LEAST 50 FT LONG. HOWEVER, LONGER ENTRANCES MAY BE REQUIRED TO ADEQUATELY CLEAN THE TIRES.

2. GEOTEXTILE FABRIC MAY BE USED TO PREVENT MIGRATION OF MUD FROM THE UNDERLYING SOIL INTO THE ROCK.

B. TEMPORARY SILT FENCES:

1. STORE AND HANDLE FABRIC IN ACCORDANCE WITH ASTM D4873.

2. USE NOMINAL 30 INCH HIGH BARRIERS, MINIMUM 60 INCH LONG POSTS SPACED AT 6 FEET MAXIMUM SPACING.

3. EMBED BOTTOM OF FABRIC IN A TRENCH ON THE UPSLOPE SIDE OF FENCE, WITH 6 INCHES OF FABRIC LAD FLAT ON BOTTOM OF TRENCH FACING UPSLOPE, BACKFILL TRENCH AND COMPACT.

4. MINIMUM POST EMBEDMENT:

a. STEEL POST = 24 INCHES, MINIMUM.

b. WOOD POST = 18 INCHES, MINIMUM.

5. DO NOT SPLICE FABRIC WIDTH; MINIMIZE SPLICES IN FABRIC LENGTH. SPLICE AT POST ONLY, OVERLAPPING AT LEAST 18 INCHES, WITH EXTRA POST.

6. FASTEN FABRIC TO WOOD POSTS USING ONE OF THE FOLLOWING:

a. FOUR NAILS PER POST WITH 3/4 INCH DIAMETER FLAT OR BUTTON HEAD, 1 INCH LONG, AND 14 GAGE, 0.083 INCH SHANK DIAMETER.

b. FIVE STAPLES PER POST WITH AT LEAST 17 GAGE, 0.0453 INCH WIRE, 3/4 INCH CROWN WIDTH AND 1/2 INCH LONG LEGS.

7. FASTEN FABRIC TO STEEL POSTS USING WIRE, NYLON CORD, OR INTEGRAL POCKETS.

C. TEMPORARY SEDIMENT LOGS:

1. PERIMETER CONTROL SHOULD BE INSTALLED PARALLEL TO THE BASE OF THE SLOPE OR OTHER DISTURBED AREA.

2. STAKES SHOULD BE INSTALLED THROUGH THE MIDDLE OF THE PERIMETER CONTROL ON 10 FT CENTERS, USING 2 IN BY 2 IN BY

3 FT WOODEN STAKES. IN THE EVENT STAKING IS NOT POSSIBLE, I.E., WHEN PERIMETER CONTROL IS USED ON PAVEMENT, HEAVY CONCRETE BLOCKS SHALL BE USED BEHIND THE PERIMETER CONTROL TO HELP STABILIZE DURING RAIN EVENTS.

D. TEMPORARY SEDIMENT FILTERS:

1. DROP-IN SEDIMENT TRAP.

a. PLACE AS RECOMMENDED BY THE MANUFACTURER.

E. TEMPORARY PUMPED SEDIMENT CONTROL DEVICE.

1. INSTALL AS PER MANUFACTURER'S RECOMMENDATIONS.

F. TEMPORARY SLOPE EROSION PROTECTION.

1. PLACE AT ANY AND ALL FINISH SLOPES THAT ARE STEEPER THAN 10%:1V.

2. SEED AND FERTILIZE PER SPECIFICATION 32 9219 PRIOR TO INSTALLING TEMPORARY SLOPE EROSION PROTECTION.

3. BONDED FIBER MATRIX.

a. INSTALL THE BFM AS PER THE MANUFACTURER'S INSTRUCTIONS WITH THE FOLLOWING MINIMUM GUIDELINES:

1) THE BFM SHALL BE APPLIED WITH HYDRAULIC SPRAY EQUIPMENT BY A MANUFACTURER'S CERTIFIED APPLICATOR.

2) APPLICATION SHALL BE DONE AT LEAST 24 HOURS IN ADVANCE OF PROJECTED RAINFALL TO ALLOW THE BFM MULCH ADEQUATE TIME TO DRY.

3) THE BFM MULCH SHALL BE APPLIED IN TWO STAGES (ONE-HALF RATE) WITH AMPLE TIME TO DEWATER THE FIRST APPLICATION.

4) THE BFM MULCH SHALL BE APPLIED FROM AT LEAST TWO ALTERNATE DIRECTIONS, PREFERABLY 90 DEGREES APART. IF POSSIBLE, TO ENSURE ALL SOIL FACES ARE COVERED.

5) THE INSTALLATION RATE OF THE BFM MULCH SHALL BE 3500 LBS PER ACRE, MINIMUM AND 100% COVERAGE.

4. EROSION CONTROL BLANKET.

a. INSTALL AS PER MANUFACTURER'S RECOMMENDATIONS.

3.04 MAINTENANCE

A. INSPECT PREVENTIVE MEASURES WEEKLY, WITHIN 24 HOURS AFTER THE END OF ANY STORM THAT PRODUCES 0.5 INCHES OR MORE RAINFALL AT THE PROJECT SITE



LEGEND



SITE EXTERIOR WALL PACK

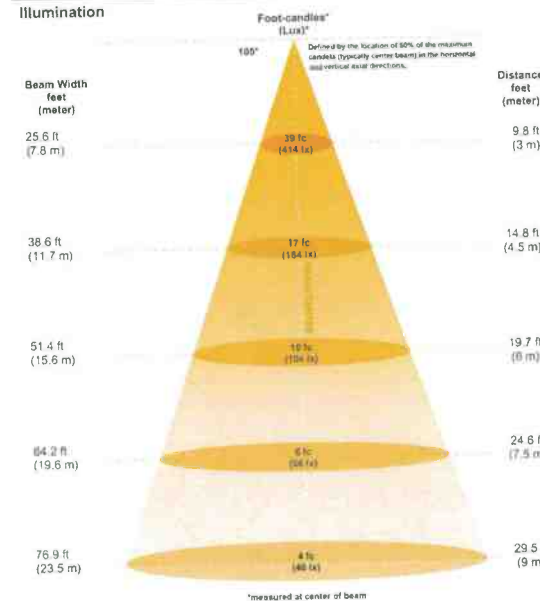
9/17/21, 9:10 AM 80W Selectable CCT Full Cutoff LED Wall Pack - Bypassable Photocell - 9600 Lumens - 400W MH Equivalent | Super Bright LEDs
80W Selectable CCT Full Cutoff LED Wall Pack - Bypassable Photocell - 9600 Lumens - 400W MH
Part Number: WPPCCT-SW3880-ST3-BRP



superbrightleds.com

WPPCCT-SW3880-ST3-BRP

Illumination



Beam angle 50°	Field angle 12°	Cutoff angle 2.9°	Illuminance ratio in 120° cone	Illuminance ratio in 30° cone
180°	148.8°	183.0°	78.8%	34.2%

- Full cutoff design allows zero spill light
- Full spectrum CCT (3000K, 4000K, 5000K) can adjust to range of commercial and industrial application needs
- Physical protection for beam by glass operation cover by 100mm
- 120-277 VAC
- Cut 2 Protection, 5 year warranty
- Average 4-4.5 meter operation (10m, 15m, 20m, 30m)

Specifications

Standard Operating Temperature	-30°C to 50°C (-22°F to 122°F)
BUG Rating	0.001
Beam Angle	50°
Certification/Compliance	UL Listed, ETL Listed, CE Marked, FCC Approved, RoHS Compliant, WEEE Compliant
Current Draw	2.2A @ 277VAC, 0.87A @ 120VAC
Dimensions	100mm (3.94 inch) x 100mm (3.94 inch) x 100mm (3.94 inch)
Material	Aluminum
Weight	0.5kg (1.1lb)
Efficiency	100lm/W

9/17/21, 9:10 AM 80W Selectable CCT Full Cutoff LED Wall Pack - Bypassable Photocell - 9600 Lumens - 400W MH Equivalent | Super Bright LEDs

Estimated Rating	100,000 hours
Features	4000K warm white, 100lm/W
Finish	Black
Integrated Design Protection	IP65
Intensity	100lm/W
LED Color	Clear White, Warm White, Selectable CCT, Warm White
Lens Type	Polycarbonate
Material	Aluminum
Operating Voltage	120-277 VAC
Photocell	Photocell (bypassable) or non-photocell
Power Factor	0.95
Product Weight	0.5kg (1.1lb)
Rated Life (L70)	100,000 hours
Weight	0.5kg
Package Height	100mm (3.94 inch)
Package Dimensions	100mm (3.94 inch) x 100mm (3.94 inch) x 100mm (3.94 inch)

Documents

Download WPPCCT-SW3880-ST3-BRP
Download WPPCCT-SW3880-ST3-BRP
Download WPPCCT-SW3880-ST3-BRP

BOGART, PEDERSON
& ASSOCIATES, INC.
LAND SURVEYING
CIVIL ENGINEERING
ENVIRONMENTAL SERVICES
13076 FIRST STREET, BECKER, MN 55308-3322
TEL: 763-555-4822 FAX: 763-555-2884

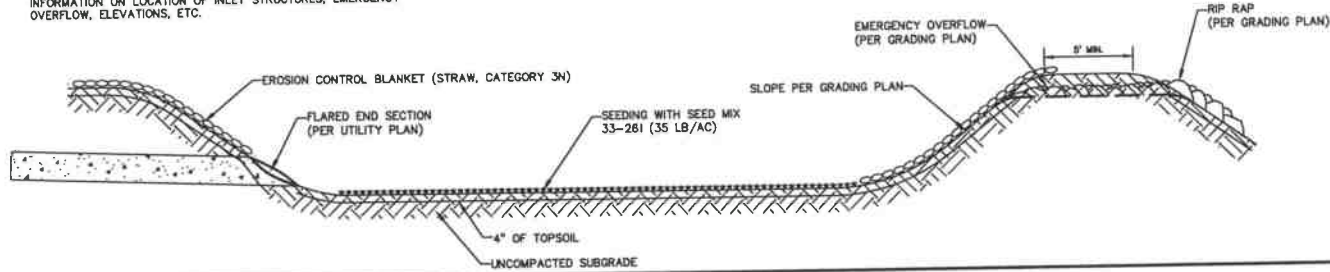
TRIPLE E STORAGE FACILITY
TRIPLE E SECURE STORAGE, LLC
CITY OF FOLEY, BENTON COUNTY, MN

SHEET NO.

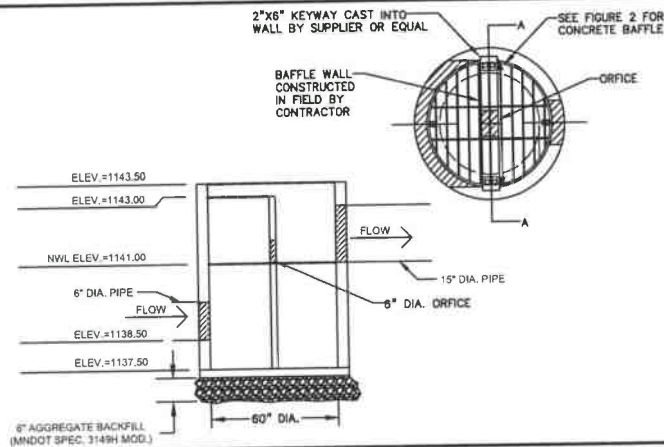
C7

LIGHTING PLAN

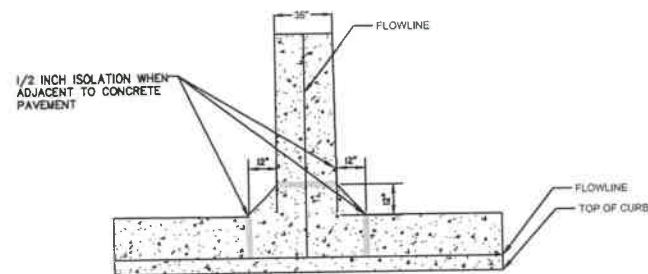
NOTE:
SEE GRADING AND EROSION CONTROL PLANS FOR ADDITIONAL
INFORMATION ON LOCATION OF INLET STRUCTURES, EMERGENCY
OVERFLOW, ELEVATIONS, ETC.



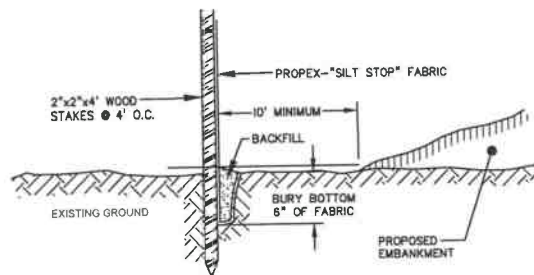
INFILTRATION BASIN
N.T.S.



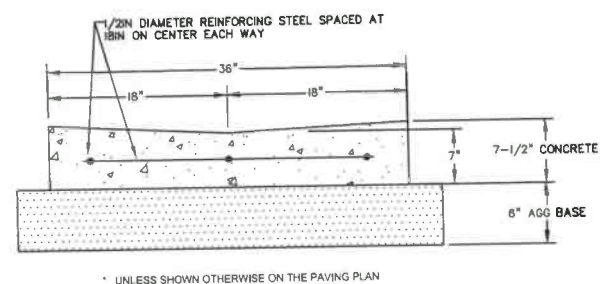
STORMWATER CONTROL STRUCTURE
N.T.S.



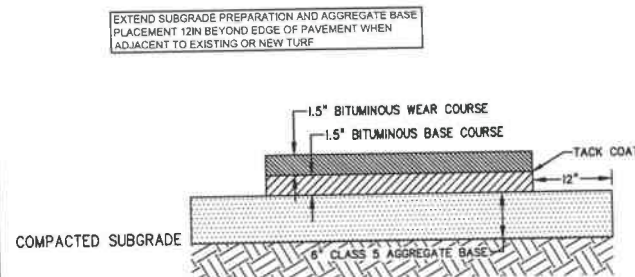
CONCRETE APRON WITHOUT CASTING
N.T.S.



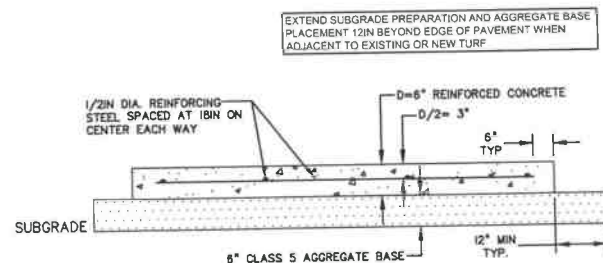
TEMPORARY SILT FENCE
N.T.S.



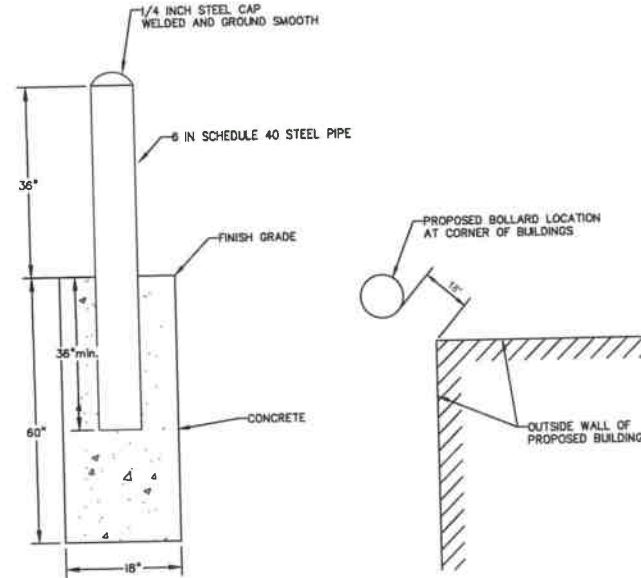
CONCRETE VALLEY GUTTER - 3' WIDE
N.T.S.



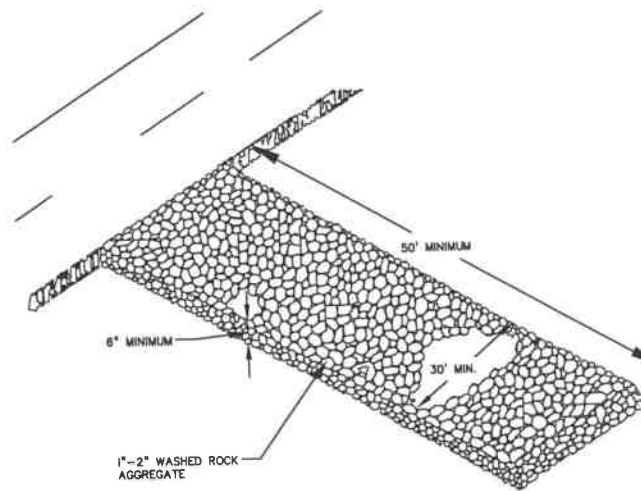
BITUMINOUS PAVEMENT SECTION
N.T.S.



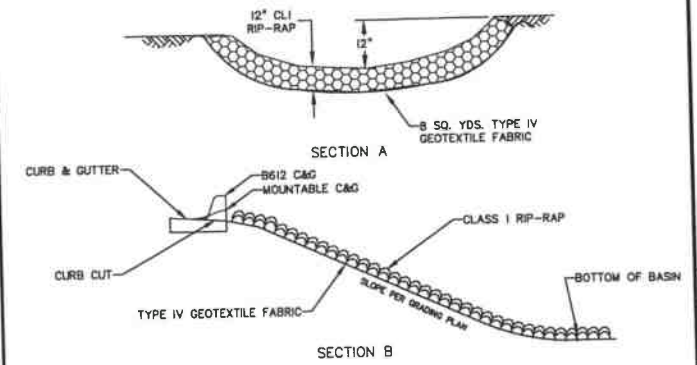
CONCRETE PAVEMENT SECTION
N.T.S.



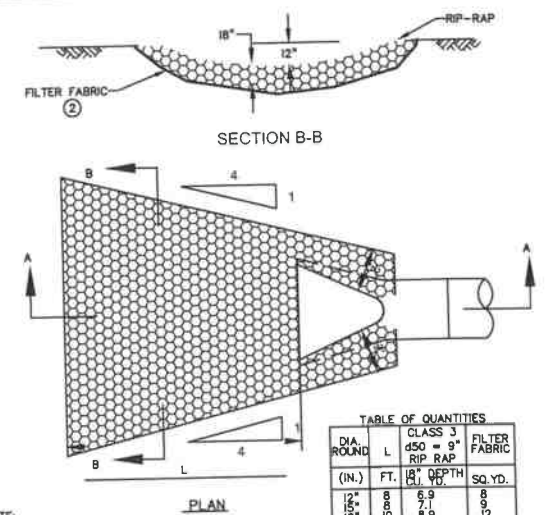
BOLLARD AT CORNER OF BUILDINGS
N.T.S.



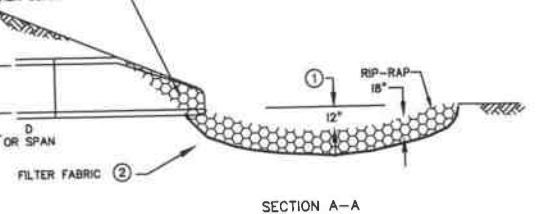
ROCK CONSTRUCTION ENTRANCE
N.T.S.



CURB TAPER WITH SPILLWAY
N.T.S.



NOTE:
RIP-RAP SHALL BE
INSTALLED TO PROVIDE
EASY REMOVAL OF
TRASH GUARD.



NOTE:
PIPE SIZES LARGER THAN THOSE SHOWN REQUIRE A SPECIAL DESIGN.
① FOR PIPES GREATER THAN OR EQUAL TO 30". USE 1.5'
② GEOTEXTILE FABRIC, MNDOT SPEC. 3733, SHALL COVER THE AREA
OF THE RIPRAP AND EXTEND UNDER THE CULVERT APRON 3 FT.

RIP-RAP INSTALLATION
N.T.S.

DESCRIPTION		FINAL PLANS FOR CONSTRUCTION	
REV.	NO.	DATE	
08/17/2021	1	08/22/2021	
DESIGN BY:	CN	DRAWN BY:	CN
CHECKED BY:	CUD	FILE NO.:	21-0213.00
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.			
Signed: Christopher J. Dahn		Date: 09/22/2021	
Lc. No. 58628			

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
CIVIL ENGINEERING
ENVIRONMENTAL SERVICES
13076 FIRST STREET, BECKER, MN 55308-3372
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TRIPLE E STORAGE FACILITY
TRIPLE E SECURE STORAGE, LLC
CITY OF FOLEY, BENTON COUNTY, MN

SHEET NO.
C8

DETAILS

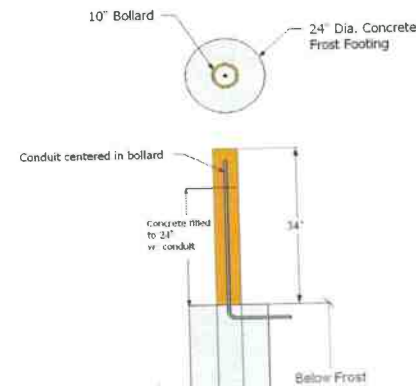


BARNUM
Gate Services, Inc.
Phone (651) 982-1552
Fax (651) 982-1562

23936 Lake Blvd N.
Forest Lake, MN 55025
May@BarnumGS.com

10" Bollard Cap and Footing Requirements

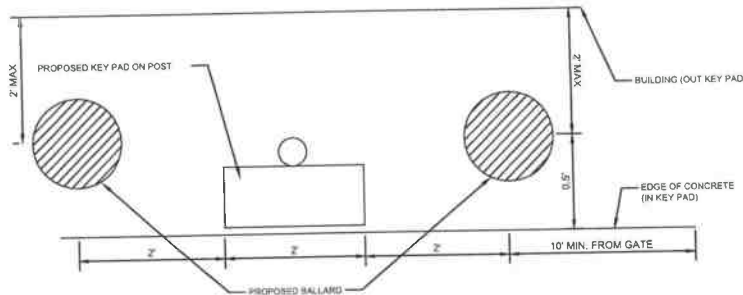
Job: Public Storage



Drawn for clarity only.
Not drawn to scale!

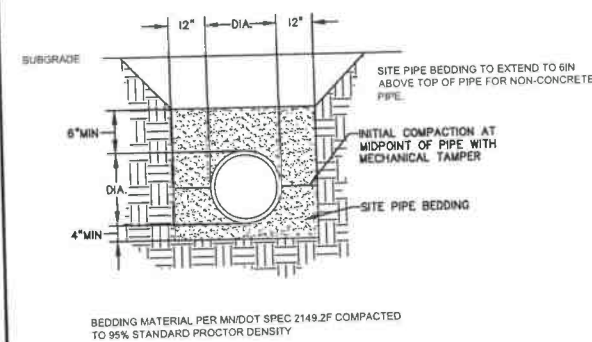


KEY PAD IN BOLLARD

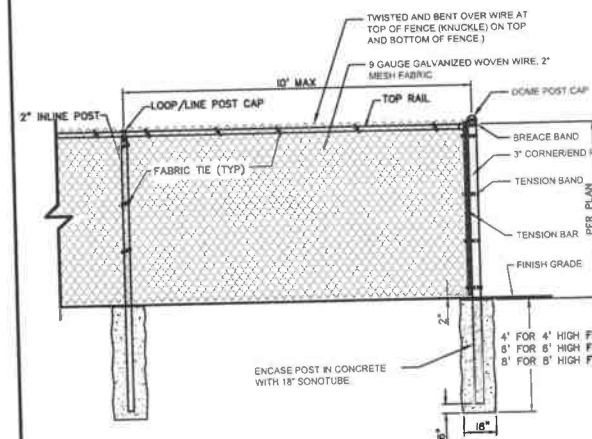


KEY PAD WITH BOLLARDS

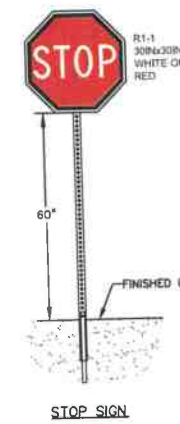
KEY PAD IN / OUT TYPES
N.T.S.



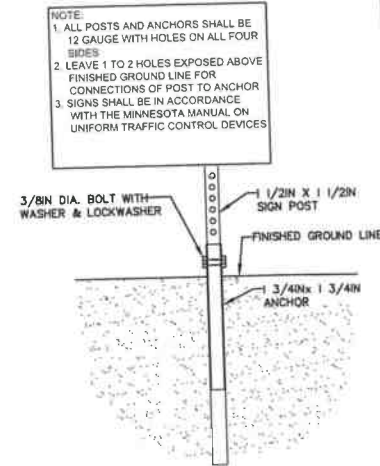
SITE PIPE BEDDING
N.T.S.



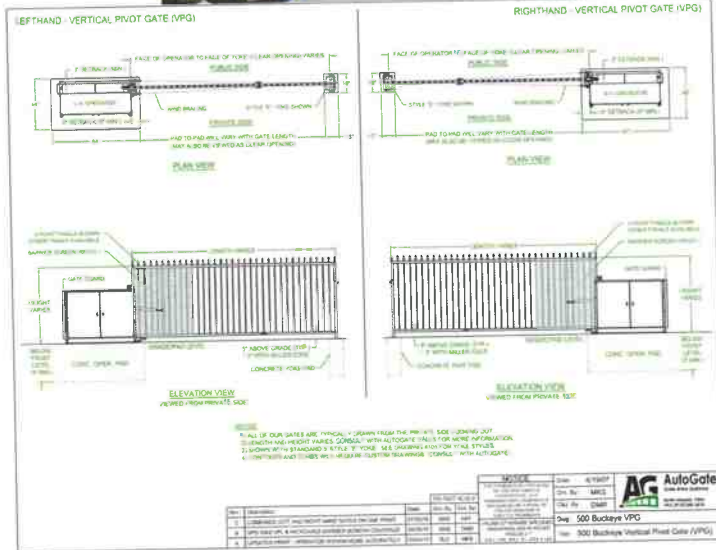
CHAIN LINK FENCE
N.T.S.



STOP SIGN

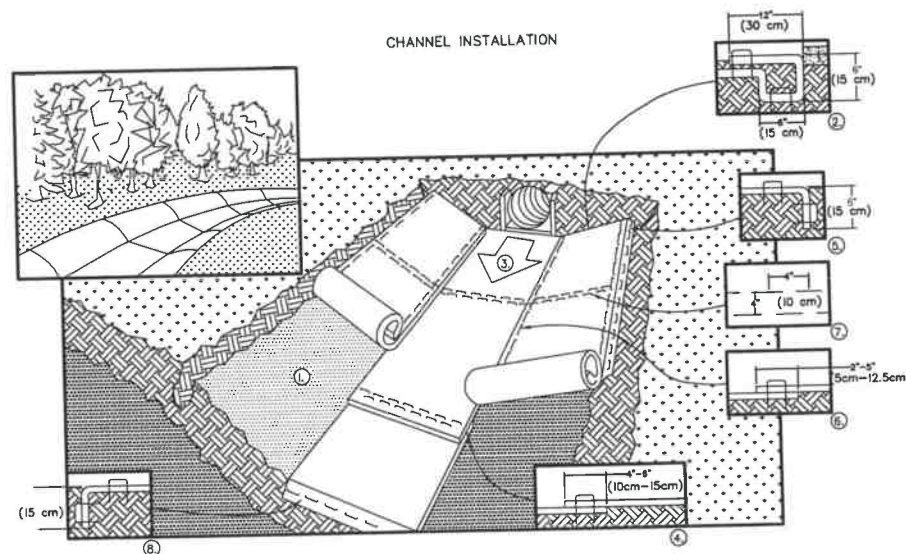


SITE SIGNAGE
N.T.S.



20' - 25' WIDE SECURITY GATE
N.T.S.

CHANNEL INSTALLATION



WHEN USING CELL-O-SEED DO NOT SEED PREPARED AREA. CELL-O-SEED MUST BE INSTALLED WITH PAPER SIDE DOWN.

WITH APPROXIMATELY 12" (30cm) OF BLANKET EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH, ANCHOR THE BLANKET WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" (30cm) APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO COMPACTED SOIL AND FOLD REMAINING 12" (30cm) PORTION OF BLANKET BACK OVER SEED AND COMPACTED SOIL. SECURE BLANKET OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" (30cm) APART ACROSS THE WIDTH OF THE BLANKET.

AGAINST THE SOIL SURFACE. ALL BLANKETS MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE. WHEN USING OPTIONAL DOT SYSTEM, STAPLES/STAKES SHOULD BE PLACED THROUGH EACH OF THE COLORED DOTS CORRESPONDING TO THE APPROPRIATE STAPLE PATTERN.

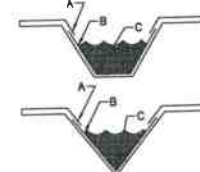
STAPLES STAGGERED 4" (10cm) APART AND 4" (10cm) ON CENTER TO SECURE BLANKETS.

12" (30cm) APART IN A 6" (15cm) DEEP X 6" (15cm) WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.

TO ENSURE PROPER SEAM ALIGNMENT, PLACE THE EDGE OF THE OVERLAPPING BLANKET (BLANKET BEING INSTALLED ON TOP) EVEN WITH THE COLORED SEAM STITCH ON THE BLANKET BEING OVERLAPPED.

A DOUBLE ROW OF STAPLES STAGGERED 4" (10cm) APART AND 4" (10cm) ON CENTER OVER ENTIRE WIDTH OF THE CHANNEL.

IN A 6" (15cm) DEEP X 6" (15cm) WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.



CRITICAL POINTS
A. OVERLAPS AND SEAMS
B. PROJECTED WATER LINE
C. CHANNEL BOTTOM/SIDE SLOPE VERTICES

NOTE:

* HORIZONTAL STAPLE SPACING SHOULD BE ALTERED IF NECESSARY TO ALLOW STAPLES TO SECURE THE CRITICAL POINTS ALONG THE CHANNEL SURFACE.

** IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS GREATER THAN 6" (15 cm) MAY BE NECESSARY TO PROPERLY ANCHOR THE BLANKETS.

EROSION CONTROL BLANKET
N.T.S.

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
CIVIL ENGINEERING
ENVIRONMENTAL SERVICES
10000 UNIVERSITY AVE. S.
BENTON COUNTY, MN 55008-9322
TEL: 763-882-8822 FAX: 763-882-8844

TRIPLE E STORAGE FACILITY
TRIPLE E SECURE STORAGE, LLC
CITY OF FOLEY, BENTON COUNTY, MN

SHEET NO.

C9

DETAILS

REV	NO.	DATE	DESCRIPTION
1	1	09/22/2021	FINAL PLANS FOR CONSTRUCTION
2	2	09/22/2021	CH
3	3	09/22/2021	CN
4	4	09/22/2021	CJD
5	5	09/22/2021	DETAILS
6	6	09/22/2021	FILE NO.: 21-0313.00

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Signed: *Christopher J. O'Brien*
Date: 09/22/2021
Lic. No. 58628

Preliminary Plat of TRIPLE E SECURE STORAGE

CITY OF FOLEY
BENTON COUNTY, MN

Surveyor's Note(s):

- Contours were created by RTK survey methods by Bogart, Pederson & Associates on 6-3-21.
- Subject property is not within a flood plain district as mapped by FEMA or part of the shoreline district.
- Title work was not provided to review for this survey.
- Portions of field edge were digitized per Benton County GIS 2020 aerial imaging and are for reference purposes only.

Proposed Plat Description:

That part of the Northwest Quarter of Section 35, Township 37, Range 29, Benton County, Minnesota, described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of the Northwest Quarter of said Section 35; thence South 00 degrees 39 minutes 46 seconds West, assumed bearing, along the East line of said Southeast Quarter of the Northwest Quarter for 33.00 feet; thence South 89 degrees 59 minutes 47 seconds West, parallel with the north line of said Southeast Quarter of the Northwest Quarter for 701.94 feet to a point distant 47.19 feet east of the west line of said Southeast Quarter of the Northwest Quarter; thence South 45 degrees 00 minutes 00 seconds West for 32.00 feet; thence South 00 degrees 45 minutes 07 seconds West minutes 00 seconds West for 32.00 feet; thence South 00 degrees 45 minutes 07 seconds West for 450.00 feet; thence North 90 degrees 00 minutes 00 seconds East for 403.21 feet; thence North 80 degrees 41 minutes 41 seconds West along said southwesterly right of way for 163.74 feet to a point distant 17 rods south of said north line of the Southeast Quarter of the Northwest Quarter; thence North 89 degrees 59 minutes 47 seconds East parallel with said north line of the Southeast Quarter of the Northwest Quarter for 90.52 feet to a point distant 34 rods west of the east line of said Northwest Quarter; thence North 00 degrees 39 minutes 46 seconds East parallel with said east line of the Northwest Quarter for 247.50 feet to the Point of Beginning.

SOILS CHART

Map symbol & soil name	Hydrologic group	Water table depth (in)
C126A: Cabana-Giese, frequently ponded-Freer complex, 0 to 3 percent slopes, stony	B/D	D-12
C10B: Brennyville-Freer complex, 1 to 4 percent slopes, stony	B/D	16-24

* Data from USDA Web Soil Survey

I hereby certify that a boundary survey has been completed for the preliminary plat of TRIPLE E SECURE STORAGE, Benton County, Minnesota.

Signed: *Craig A. Wensmann*
Craig A. Wensmann
Date: 9/30/21 Lic. No. 47466



(SCALE IN FEET)
SCALE: 1 INCH = 100 FEET

LEGEND:

- Denotes mailbox
- Denotes sign
- Denotes septic manhole
- Denotes power pole
- Denotes guy wire
- Denotes telephone pedestal
- Denotes cable television box
- Denotes fiber optic service box
- Denotes well
- Denotes hydrant
- Denotes water valve
- Denotes light pole
- Denotes culvert

- LS 10918 Denotes Sidney P. Williamson, LS
- LS 47466 Denotes Craig A. Wensmann, LS
- LS 42621 Denotes Daniel M. Kron, LS

- Denotes bituminous surface

- Denotes concrete surface

- Denotes gravel surface

- Denotes barbed wire fence

- Denotes overhead electric

- Denotes retaining wall

- Denotes easement

- Denotes right of way

- Denotes major contour

- Denotes minor contour

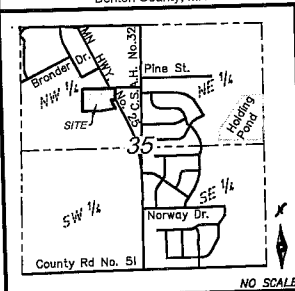
- Denotes existing adjacencies

- Denotes field edge

- Denotes soil type boundary

- Denotes soil classification type

VICINITY MAP
Sec. 35, Twp. 37, Rng. 29
Benton County, MN



West Quarter Corner of Section 35, Township 37, Range 29, Benton County, Minnesota
IP 1/2 INCH 47466
(Statement of Evidence: H343)

BOGART, PEDERSON & ASSOCIATES, INC.

Bearings are based on the Benton County Coordinate System (NAD83 98 Ad.). For the purpose of this survey, the south line of the Northwest Quarter of Section 35, Township 37, Range 29 bears North 89 degrees 41 minutes 58 seconds East.

- Denotes found cast iron monument
- Denotes iron monument found
- Denotes found masonry nail
- Denotes 1/2 inch x 1/4 inch iron pipe monument with plastic plug stamped R.L.S. 47466 to be set within one year of platting date

REFERENCE BENCHMARK:
MnDOT Geodetic Station "Maywood Resett", 84.5 ft. W. of Hwy. 25, 53.8 ft. SE. of power pole, 29.8 ft. NE. of cable box. Elevation = 1140.78 feet (NAVD 88)

PROJECT BENCHMARK:
MnDOT Geodetic Station "Maywood Resett", 84.5 ft. W. of Hwy. 25, 53.8 ft. SE. of power pole, 29.8 ft. NE. of cable box. Elevation = 1140.78 feet (NAVD 88)

OWNER/DEVELOPER:
Triple E Secure Storage LLC
Brett Ogg
2417 65th Street Northeast
Sauk Rapids, MN 56379
320-980-0333

SURVEYORS & ENGINEERS:
Bogart, Pederson & Associates, Inc.
13078 First Street
Becker, MN 55309-9322
763-262-8822

TOTAL AREA: 7.48% Acres

EXISTING ZONING: A-1 Agricultural District

PROPOSED ZONING: Lot 1: I-1 General Industrial
Lot 2: B-2 Highway Business

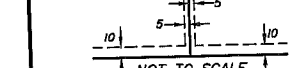
I-1 MINIMUMS:
Floor-Area Ratio: 60%

B-2 MINIMUMS:
Lot Width: 100' at building line
Floor-Area Ratio: 60%

I-1 BUILDING SETBACKS:
30' Front
30' Side (corner)
10' Side
10' Rear
40' From Residential Zoned Property

B-2 BUILDING SETBACKS:
30' Front
30' Side (corner)
10' Side
20' Rear
30' From Residential Zoned Property

Drainage and Utility Easements are shown thus:



NOT TO SCALE
Being 10 feet in width and adjoining right of way line, and 5 feet in width and adjoining lot lines, unless otherwise indicated, as shown on the plat.

DATE: July 15, 2021
FIELD DATE: June 3, 2021
BK/PG: 5.11/42
DRAWN BY: DJJ
CHECKED BY: CAW
DWG FILE: 21-0313 Prelim Plat
FILE NO: 20-0313.00

REVISIONS:

NO.	DATE	DESCRIPTION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signed: *Craig A. Wensmann*
Craig A. Wensmann
Date: 9/30/21 Lic. No. 47466

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
CIVIL ENGINEERING
MAPPING
13078 FIRST STREET, BECKER, MN 55309-9322
TEL: 763-262-8822 FAX: 763-262-8844

PRELIMINARY PLAT

for

Triple E Secure Storage, LLC.

TRIPLE E SECURE STORAGE

City of Foley

Benton County, MN

TRIPLE E SECURE STORAGE

KNOW ALL PERSONS BY THESE PRESENTS: That Triple E Secure Storage LLC, a Minnesota limited liability company, owner of the following described property:

That part of the Northwest Quarter of Section 35, Township 37, Range 29, Benton County, Minnesota, described as follows: Commencing at the Northeast Corner of the Southeast Quarter of the Northwest Quarter of said Section 35; thence South 00 degrees 39 minutes 46 seconds West, assumed bearing, along the East line of said Southeast Quarter of the Northwest Quarter for 33.00 feet; thence South 89 degrees 59 minutes 47 seconds West, parallel with the north line of said Southeast Quarter of the Northwest Quarter for 561.00 feet to the Point of Beginning; thence continue South 89 degrees 59 minutes 47 seconds West for 701.94 feet to a point distant 47.19 feet east of the west line of said Southeast Quarter of the Northwest Quarter; thence South 45 degrees 00 minutes 00 seconds East for 32.00 feet; thence South 00 degrees 45 minutes 07 seconds East for 450.00 feet; thence North 90 degrees 00 minutes 00 seconds West for 32.00 feet; thence North 00 degrees 45 minutes 07 seconds East for 450.00 feet; thence North 89 degrees 59 minutes 47 seconds East parallel with said north line of the Southeast Quarter of the Northwest Quarter for 90.52 feet to a point distant 34 rods west of the east line of said Northwest Quarter; thence North 00 degrees 39 minutes 46 seconds East parallel with said east line of the Northwest Quarter for 247.50 feet to the Point of Beginning.

Has caused the same to be surveyed and platted as TRIPLE E SECURE STORAGE and does hereby dedicate to the public for public use the public ways and the drainage and utility easements as shown on this plat.

In witness whereof said Triple E Secure Storage LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this day of _____, 20____.

TRIPLE E SECURE STORAGE, LLC

Brett Ogg, Chief Manager

STATE OF MINNESOTA

COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by Brett Ogg, Chief Manager of Triple E Secure Storage LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, _____ County, Minnesota

(Signature)

My Commission Expires _____

(Printed Name)

SURVEYOR'S CERTIFICATION

I, Craig A. Wensmann, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Craig A. Wensmann, Licensed Land Surveyor
Minnesota License No. 47466

STATE OF MINNESOTA

COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by Craig A. Wensmann.

Notary Public, _____ County, Minnesota

(Signature)

My Commission Expires _____

(Printed Name)

CITY PLANNING COMMISSION

Approved by the Planning Commission of the City of Foley, Minnesota at a meeting held this _____ day of _____, 20____.

Chairperson

FOLEY CITY COUNCIL

Approved and accepted by the City Council of the City of Foley, Minnesota at a meeting held this _____ day of _____, 20____.

Mayor

City Administrator

COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 20____.

Jerome C. Wittstock, Benton County Surveyor

COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20____ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this _____ day of _____, 20____.

Property Tax Administrator

By Deputy

COUNTY RECORDER

I hereby certify that this plat of TRIPLE E SECURE STORAGE was filed in the office of the Benton County Recorder for public record on this _____ day of _____, 20____, at _____ o'clock _____ M. and was duly recorded as Document No. _____.

Benton County Recorder

LEGEND:

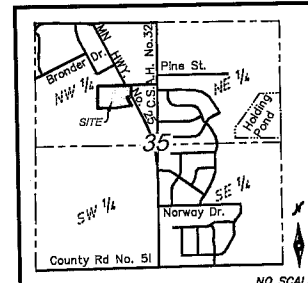
Drainage and Utility Easements are shown thus:

10' 5' 10'

NOT TO SCALE
Being 10 feet in width and adjoining right of way line, and 5 feet in width and adjoining lot lines, unless otherwise indicated, as shown on the plat.

- Denotes found cast iron monument
- ⊙ Denotes iron monument found
- ⊙ Denotes found masonry nail
- ⊙ Denotes 1/2 inch x 1/4 inch iron pipe monument with a plastic plug stamped R.L.S. 47466 to be set within one year of plotting date
- LS 10918 Denotes Sidney P. Williamson, LS
- LS 47466 Denotes Craig A. Wensmann, LS
- LS 42621 Denotes Daniel M. Kron, LS
- Denotes easement
- Denotes right of way
- Denotes existing adjacencies

VICINITY MAP
Sec. 35, Twp. 37, Rng. 29
Benton County, MN



West Quarter Corner of Section 35, Township 37, Range 29, Benton County, Minnesota
IP 1/2 inch Open
(Statement of Evidence: H343)

N 89°41'58" E 1312.22

BOGART, PEDERSON & ASSOCIATES, INC.

**Planning Commission Minutes
September 13 2021-6:30 pm
Foley City Hall**

Members Present: Jeff Gondeck, Deb Mathiowetz, Noel Lewandowski, Rosalie Musachio, Bill Bronder

Staff present; Sarah Brunn

Bronder called the meeting to order at 6:30 pm.

Motion by Musachio, second by Gondeck to approve the agenda. Motion carried.

Motion by Gondeck, second by Musachio to approve the minutes from June 14, 2021. Motion carried.

Member Gondeck provided an update of City Council activities.

Bronder updated the council on the tabling of the Triple E Secure Storage LLC and asked Craig Wensmann to update the committee on the access. After working with MnDOT, they are recommending to use the existing access and upgrade it to a commercial grade and width. The proposed option would preserve trees to the adjoining property owner to the north. There was discussion on the details of the change. Brunn also indicated that legal reviewed the new access option and had no concerns, only indicating that planning should require a condition of a permit from MnDOT and that the private owner is responsible for maintenance. Bronder questioned who owns the access and handles maintenance. Gondeck asked about using the access to the south and Wensmann indicated it could be problematic with drainage by adding additional flow and that does not seem desirable. Mathiowetz asked about what happens if the drainage does not work and how that is handled for adjacent property owners. There was much discussion on the drainage review. Ms. Musachio asked if Ms. Julia Fraley (neighbor to north) was happy about the plans. Ms. Fraley indicated she has not been pleased with the overall process and the lack of communication from the property owners.

Mr. Ted Horton (other property owner to north) asked about driveway security and how they keep people out of their personal driveway. Mr. Wensmann indicated signage and stripping will be included in the plan. Mr. Horton asked about the developer providing a gate to the neighboring property owners.

Ms. Fraley asked about operating hours for the business and security. The developers indicated security and a lighting plan will be provided as required by ordinance. The developers are including fencing as part of their site plan. There was much discussion on other elements of the site plan.

Bronder redirected the commission to the review of the site plan. Lewandowski indicated he liked trees screening outdoor storage. There was discussion on the ROW and access dimensions. Bronder asked about a lighting plan, the developers indicated they haven't completed it yet. There was discussion on some additional details that are needed for the site plan such as lighting, fencing, facia, and hard-surfacing. Gondeck asked about operating businesses out of storage units.

Duane Foss asked about the drainage plan and when the pond is dug. Brunn indicated a final certificate of occupancy would not be issued until the completion of the drainage pond. Gondeck asked about outdoor storage and having limitations on where it's allowed. Lewandowski asked about size of trees and screening. There was discussion on hard surfacing and when it will be completed. The committee indicated that hard-surfacing should be required around the phase 1 building and in the access immediately. The committee indicated crushed granite would be ok for the outdoor storage area.

There was discussion on the building facia requirement and the committee indicated that decorative brick on storage units seems nonproductive with the number of doors and the fact they will be blocked but future phases.

Mathiowetz asked about outstanding conditions. Bronder asked if the commission is comfortable with the access and the majority said yes. Bronder overviewed the outstanding conditions that still need some clarification. Bonder asked if the commission would prefer to table it until next month.

There was significant discussion on the process and if approval could be made tonight.

There was discussion on the facia requirements and phase 3 buildings would be required to comply with facia requirement on the side facing the east (towards commercial lot and Highway 25).

Ms. Fraley asked about the timeline for the driveway construction and when it would be hard surfaced and finished.

Lewandowski discussed a number of items that the developer would need to do.

The list of conditions was reviewed with the planning commission:

- Hard surfacing required for entire access and around building of Phase 1. Crushed granite is ok for outdoor storage area. Hard surfacing is required around all future phases of the project.
- Fencing required around the entire site. Trees to be located outside of fence.
- Facia requirements must be met on the east side of the phase 3 buildings.
- Lighting plan must be submitted to the council's satisfaction.
- Access permit is required from MnDOT. The maintenance of the access is the responsibility of the private owners and NOT the City.
- A gate will be provided for the Fraley/Horton property.

Motion by Lewandowski, seconded by Muschio to recommend approval to the City Council with conditions outlined above. Lewandowski, Musachio, Gondeck, Bronder – aye. Mathoiwetz – nay. Motion carried.

Mathiowetz indicated a desire for more details on buildings and visuals before approving which is why she voted against the recommended approval.

Next meeting is scheduled for October 18, 2021.

Motion to adjourn the meeting was made by Mathiowetz, seconded by Gondeck. Motion carried.

Submitted by Sarah Brunn, City Administrator

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2021-22

A RESOLUTION APPROVING APPLICANT TRIPLE E SECURE STORAGE LLC SITE
PLAN

WHEREAS, the City of Foley received applications for an annexation, plat review, rezoning and site plan review on July 16, 2021;

WHEREAS, Applicant Triple E Secure Storage LLC owns property within the City legally described in “**Exhibit A**” (the “Property”).

WHEREAS, the Gilmanton Joint Planning Board reviewed and recommended approval of the plat and annexation on August 3, 2021;

WHEREAS, the Rezoning and Site Plan were forwarded to the Foley Planning Commission at its August 9, 2021 meeting for review and recommendation to the Foley City Council; and

WHEREAS, the Foley City Council approved a rezoning request on September 7, 2021 with conditions but did not approve a site plan at the time due to outstanding conditions;

WHEREAS, the Planning Commission again reviewed the site plan at their meeting on September 13, 2021 and recommended approval with conditions;

WHEREAS, staff working through the planning commission conditions determined the preliminary and final plat approved prior had changed and would need to go back to the joint planning board;

WHEREAS, the council is recommending approval of the site plan on October 5, 2021 with conditions;

NOW THEREFORE BE IT RESOLVED BY THE FOLEY CITY COUNCIL THAT:

1. The Foley City Council hereby approves the site plan with the conditions as follows:
 - a. The developer must resubmit a revised preliminary and final plat to the Gilmanton Joint Planning Board for approval.
 - b. An annexation resolution must be addressed at the city council following approval and recording of the revised plat.
 - c. MnDOT approval of the plat and drainage plan has yet to be received. The applicant is responsible for incorporating any requirements of MnDOT as part of their approval and must follow any restrictions implemented by MnDOT until their approval is made.
 - d. A drainage and utility easement is required as part of the revised plat to the south of the access and indicated by **Exhibit B**.
 - e. Subsequent to the plat being filed an access easement will be needed from Lot 2 to Lot 1 as indicated in **Exhibit B**.
 - f. An access approval must be granted by MnDOT. Maintenance of this access will be the responsibility of the private owners.
2. Following the conditions of the plat being met and recorded the City Council will approve a redefining of the rezoning approved on September 7, 2021.

PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota this 5th day of October, 2021.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

STATE OF MINNESOTA)
) SS
COUNTY OF BENTON)

On this ____ day of _____, 2021, before me, a Notary Public for this County, personally appeared Gerard L. Bettendorf, who, being by me duly sworn, did say that he is the Mayor of the City of Foley, a Minnesota municipal corporation, and that this instrument was signed on behalf of said corporation by authority of its City Council and acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

STATE OF MINNESOTA)
) SS
COUNTY OF BENTON)

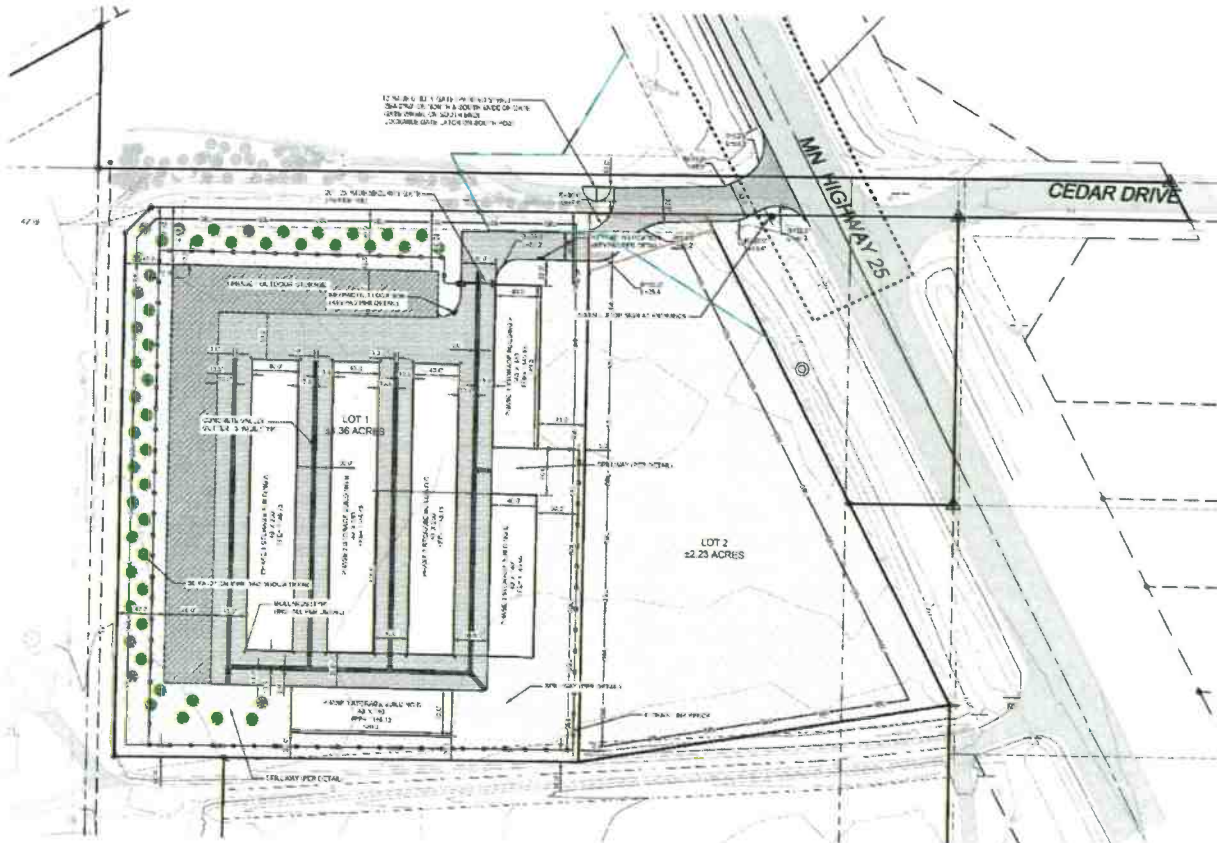
On this ____ day of _____, 2021, before me, a Notary Public for this County, personally appeared Sarah A. Brunn, who, being by me duly sworn, did say that she is the City Administrator of the City of Foley, a Minnesota municipal corporation, and that this instrument was signed on behalf of said corporation by authority of its City Council and acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

Exhibit A
(Legal Description of Property)

Lots 1 and 2, Block 1, Triple E Secure Storage, Benton County, Minnesota

Exhibit B
(Easement Map)





City of Foley

251 4th Avenue North • P.O. Box 709
Foley, Minnesota 56329
(320) 968-7260 • Fax (320) 968-6325

October 5, 2021

Triple E Secure Storage
PO Box 62
Sauk Rapids, MN 56379

Dear Property Owners:

On July 16, 2021, the City of Foley received your application for a preliminary plat, final plat, rezoning and site plan review request for the annexation of property and construction of storage units.

The application has been working through various conditions as well as approvals with the Gilmanton Joint Planning Board, City of Foley and MN Department of Transportation.

Due to delays in obtaining the final approvals and upcoming winter season, the developer has requested an early start for the project. Since the City holds the zoning and building permit authority for the property it has the ability to grant a request with approval of the City Council.

The council has approved this request but only with the developer's understanding that they remain responsible for any changes that would be required based on pending state, local and joint planning board approvals. This document must be signed by the property owner in order to approve this request.

Sincerely,

Sarah A. Brunn
City Administrator

By signing this letter, I am hereby acknowledging the City's approval to allow for an early construction start of this project for foundation work only in order to dig and pour building footings. By signing this document, I release the City from any claims of liability or damages resulting from the early start.

Brett Ogg, Triple E Secure Storage LLC
Owner

Welcoming You . . . Welcoming the Future

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2021-25

A RESOLUTION APPROVING THE MINNESOTA LAWFUL GAMBLING
LG230 PERMIT APPLICATION OF PINE CENTER SPORTSMEN'S CLUB

BE IT RESOLVED that the Minnesota Lawful Gambling LG230 Permit Application of Pine Center Sportsmen's Club to be used **(specify time period)** at Stone Creek Golf Course, 13050 65th Street NE, in the City of Foley is hereby approved.

The City hereby waives the 180-day waiting period to disapprove the license application of Pine Center Sportsmen's Club.

PASSED AND ADOPTED by the City Council of the City of Foley this 5th day of October 2021.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

SEC. 6.21. GAMBLING.

Subd. 1. Purpose. The purpose of this Section is to closely regulate and control the conduct of gambling and to insure that the profits derived from gambling activities in the City provide, to the extent authorized by law, direct benefits for the citizens of the City and community.

Subd. 2. Background Investigation. Any person or organization applying for a State License to conduct lawful gambling within the City shall submit to a background investigation conducted by the City. At the time it files its Application for a License with the Charitable Gambling Board, the person or organization must:

- A. Complete an investigation form provided by the City.
- B. Furnish any additional information required by the City.
- C. Pay an initial investigation fee of \$50 upon Application with the City. The fee will be refundable if the Application is withdrawn before the investigation has been started. The fee shall be waived for charitable organizations originating within the City.
- D. Persons or organizations which are exempt from State License requirements are not required to comply with these investigation requirements.

Subd. 3. Renewals. If the Council determines that the public interests so warrant, it may require a similar investigation at the time of any License renewal. If an investigation is ordered by the Council, the Applicant shall comply with the requirements for investigation and pay to the City a fee equal to the actual costs of the investigation.

Subd. 4. Charitable Contributions.

- A. All organizations Licensed by the State to conduct lawful gambling within the City shall contribute Fifty (50%) percent of the net profits from each site operated by the Licensee within the City to lawful purposes conducted within the trade area. The trade area shall include only the following areas: City of Becker, Becker Township, and the City of Monticello. Said contributions shall be made throughout the year(s) which runs concurrently with the Minnesota State Gambling License. Evidence of said contribution shall be provided at the time of renewal of License. Said evidence shall take the form of cancelled checks for local contributions. *Source: Ordinance 19, 2nd Series, Effective Date: Feb. 15, 1997 Source: Ordinance 110 2nd Series, Effective Date: February 11th, 2006.*
- B. Organizations conducting lawful gambling within the City for which a gambling License is not required shall be exempt from the contributions required by the preceding paragraph.

- C. From the date of this ordinance, all organizations must post a list of who received charitable contributions for one full year from the date granted and in a public place on site. This list must be updated on a monthly basis so to keep current at all time.

Source: Ordinance No. 19 2nd series, Effective Date: 2-15-97

Subd. 5. Financial Statements. Organizations required to file expenditure reports with the State of Minnesota shall file a copy of each such report with the City in the office of the City Treasurer.

Subd. 6. Authorized Organizations. Lawful gambling licenses shall be available within the City of Becker on a locational priority basis. Those non-profit organizations having their original registered office or chapter office within the Becker trade area as defined in Subdivision 4.B. above, for 3 consecutive years prior to the date of application will be approved, providing all other requirements are met, for a lawful gambling license on a first priority basis. Only upon demonstration that no non-profit organization from within the trade area shows an interest in a lawful gambling license in Becker shall outside organizations be given an opportunity to hold a license within the City. Notwithstanding the above, those organizations having a premise permit within the trade area prior to the change in trade area adopted February 7, 2006, shall be grandfathered to provide for continued reissuance of the premise permit provided all other conditions of Section 6.21 of the code have been and continue to be met.

Source: Ordinance 42, 2nd Series Effective Date: 5-29-99 Ordinance 110 2nd Series, Effective Date: February 11th, 2006

Regulating Lawful Gambling, LMC Model Ordinance

League staff thoughtfully develops models for your city's consideration. Models should be customized as appropriate for an individual city's circumstances in consultation with the city's attorney. Helpful background information on this model may be found in the Information Memo ["Lawful Gambling"](#).



This icon marks places where the city must customize the model. They offer additional provisions, optional language, or comments for your consideration. The icon, and language you do not wish to include, should be deleted from this model before use. Make other changes, as needed, to customize the model for your city.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND REGULATING THE CONDUCT OF LAWFUL GAMBLING WITHIN THE CITY OF _____, MINNESOTA

The City Council of _____, Minnesota ordains:

SECTION 1. ADOPTION OF STATE LAW BY REFERENCE

The provisions of Minn. Stat. ch. 349, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, provisions relating to sales, and all other matters pertaining to lawful gambling are hereby adopted by reference and are made a part of this ordinance as if set out in full. It is the intention of the Council that all future amendments of Minn. Stat. ch. 349, are hereby adopted by reference or referenced as if they had been in existence at the time this ordinance was adopted.

SECTION 2. CITY MAY BE MORE RESTRICTIVE THAN STATE LAW

The Council is authorized by the provisions of Minn. Stat. § 349.213, as it may be amended from time to time, to impose, and has imposed in this ordinance, additional restrictions on gambling within its limits beyond those contained in Minn. Stat. ch. 349, as it may be amended from time to time.

SECTION 3. PURPOSE

The purpose of this ordinance is to regulate lawful gambling within the City of _____, to prevent its commercialization, to ensure the integrity of operations, and to provide for the use of net profits only for lawful purposes.

SECTION 4. DEFINITIONS

In addition to the definitions contained in Minn. Stat. § 349.12, as it may be amended from time to time, the following terms are defined for purposes of this ordinance:

BOARD, as used in this ordinance, means the State of Minnesota Gambling Control Board.

CITY, as used in this ordinance, means the City of _____.

COUNCIL, as used in this ordinance, means the City Council of the City of _____.

LICENSED ORGANIZATION, as used in this ordinance, means an organization licensed by the Board.

LOCAL PERMIT, as used in this ordinance, means a permit issued by the city.

TRADE AREA, as used in this ordinance, means _____



The city must define the boundaries of its trade area by ordinance pursuant to Minn. Stat. § 349.213, subd. 1(g). The city's trade area must include each city and township contiguous to the defining city.

SECTION 5. APPLICABILITY

This ordinance shall be construed to regulate all forms of lawful gambling within the city except bingo conducted within a nursing home or a senior citizen housing project or by a senior citizen organization if the prizes for a single bingo game do not exceed \$10, total prizes awarded at a single bingo occasion do not exceed \$200, only members of the organization, residents of the nursing home or housing project, and their guests, are allowed to play in a bingo game, no compensation is paid for any persons who conduct the bingo, and a manager is appointed to supervise the bingo.



The city should be aware of cross-reference problems in Minn. Stat. § 349.166 that make it a little unclear whether cities can regulate excluded lawful gambling. Cities should consult the city attorney for an opinion on this issue.

SECTION 6. LAWFUL GAMBLING PROHIBITED

No person or organization shall conduct lawful gambling within the City of _____



This section should be adopted only if the city wishes to completely prohibit lawful gambling. If the city adopts this section, it should also adopt Sections 19-21, and omit Sections 7-18.

SECTION 7. LAWFUL GAMBLING PERMITTED

Lawful gambling is permitted within the city provided it is conducted in accordance with Minn. Stat. §§ 609.75-.763, inclusive, as they may be amended from time to time; Minn. Stat. §§ 349.11-.23, inclusive, as they may be amended from time to time; and this ordinance.

SECTION 8. COUNCIL APPROVAL

Lawful gambling authorized by Minn. Stat. §§ 349.11-.23, inclusive, as they may be amended from time to time, shall not be conducted unless approved by the Council, subject to the provisions of this ordinance and state law.

SECTION 9. APPLICATION AND LOCAL APPROVAL OF PREMISES PERMITS

Subd. 1. Any organization seeking to obtain a premises permit from the Board shall file with the city clerk an executed, complete duplicate application, together with all exhibits and documents accompanying the application as will be filed with the Board.

Subd. 2. Upon receipt of an application for issuance of a premises permit, the city clerk shall transmit the application to the chief of police for review and recommendation.



Some cities do not have their own police services. Under these circumstances, the county sheriff may be willing to investigate for a fee. In that case, the ordinance should state that the clerk shall transmit the application to the county sheriff, as well as replace "chief of police" with "county sheriff" throughout the body of the ordinance.

Subd. 3. The chief of police shall investigate the matter and make the review and recommendation to the City Council as soon as possible, but in no event later than 45 days following receipt of the notification by the city.

Subd. 4. Organizations applying for a state-issued premises permit shall pay the city a \$_____ investigation fee. This fee shall be refunded if the application is withdrawn before the investigation is commenced. If approved by the City Council and the Board, a licensed organization will be responsible for an annual investigative fee for conducting lawful gambling within the city.



The fee may not exceed \$100 for third and fourth class cities; \$250 for cities of the second class; \$500 for first class cities. Minn. Stat. § 349.16, subd. 8. A city may not charge an investigation fee if it levies a gambling tax. Minn. Stat. § 349.213, subd. 3.

Subd. 5. The applicant shall be notified in writing of the date on which the Council will consider the recommendation.

Subd. 6. The Council shall receive the police chief's report and consider the application within 45 days of the date the application was submitted to the city clerk.

Subd. 7. The Council shall by resolution approve or disapprove the application within 60 days of receipt of the application.



Under Minn. Stat. § 349.213, subd. 2, the resolution must have been adopted within 90 days of the date of the application for the new or renewed permit to the Board. However, because the application for a state-issued premises permit includes an acknowledgement of local approval within its application materials, it is the responsibility of the applicant (and not the city) to meet those statutory requirements. The model ordinance requires Council action in 60 days to ensure that the resolution will be passed in a timely manner, but is not specifically required by law.

Subd. 8. The Council shall deny an application for issuance or renewal of a premises permit for any of the following reasons:



These are sample conditions that other cities have adopted. Cities may want to adopt more, fewer, or different conditions depending on their circumstances.

- (i) Violation by the gambling organization of any state statute, state rule, or city ordinance relating to gambling within the last three (3) years.

(ii) Violation by the on-sale establishment or organization leasing its premises for gambling of any state statute, state rule, or city ordinance relating to the operation of the establishment, including, but not limited to, laws relating to alcoholic beverages, gambling, controlled substances, suppression of vice, and protection of public safety within the last three (3) years.

(iii) Lawful gambling would be conducted at premises other than those for which an on-sale liquor license has been issued.

(iv) Lawful gambling would be conducted at more than __ premises within the city.



Cities may use this provision to limit the number of premises where lawful gambling may be conducted.

(v) An organization would be permitted to conduct lawful gambling activities at more than one (1) premises in the city.

(vi) More than one licensed organization would be permitted to conduct lawful gambling activities at one (1) premises.

(vii) Failure of the applicant to pay the investigation fee provided by Subdivision 4 within the prescribed time limit.



*The city should **not** make this a condition if it does not charge an investigation fee.*

(viii) Operation of gambling at the site would be detrimental to health, safety, and welfare of the community.

Otherwise, the Council shall pass a resolution approving the application.

SECTION 10. LOCAL PERMITS

Subd. 1. No organization shall conduct lawful gambling excluded or exempted from state licensure requirements by Minn. Stat. § 349.166, as it may be amended from time to time, without a valid local permit. This section shall not apply to lawful gambling exempted from local regulation by Section 5 of this ordinance.

Subd. 2. Applications for issuance or renewal of a local permit shall be on a form prescribed by the city. The application shall contain the following information:

(i) Name and address of the organization requesting the permit.

- (ii) Name and address of the officers and person accounting for receipts, expenses, and profits for the event.
- (iii) Dates of gambling occasion for which permit is requested.
- (iv) Address of premises where event will occur.
- (v) Copy of rental or leasing arrangement, if any, connected with the event, including rent to be charged to the organization.
- (vi) Estimated value of prizes to be awarded.

Subd. 3. The fee for a local permit shall be \$100. The fee shall be submitted with the application for a local permit. This fee shall be refunded if the application is withdrawn before the investigation is commenced.



The local permit fee is authorized by Minn. Stat. § 349.213. The fee for a permit may not exceed \$100.

Subd. 4. Upon receipt of an application for issuance or renewal of a local permit, the city clerk shall transmit the notification to the chief of police for review and recommendation.

Subd. 5. The chief of police shall investigate the matter and make review and recommendation to the City Council as soon as possible, but in no event later than 45 days following receipt of the notification by the city.

Subd. 6. The applicant shall be notified in writing of the date on which the Council will consider the recommendation.

Subd. 7. The Council shall receive the public safety department's report and consider the application within 45 days of the date the application was submitted to the city clerk.

Subd. 8. The Council shall deny an application for issuance or renewal of a premises permit for any of the following reasons:



These are sample conditions that other cities have adopted. Cities may want to adopt more, fewer, or different conditions depending on their circumstances.

- (i) Violation by the gambling organization of any state statute, state rule, or city ordinance relating to gambling within the last three (3) years.
- (ii) Violation by the on-sale establishment, or organization leasing its premises for gambling, of any state statute, state rule, or city ordinance relating to the operation of the

establishment, including, but not limited to, laws relating to the operation of the establishment, laws relating to alcoholic beverages, gambling, controlled substances, suppression of vice, and protection of public safety within the last three (3) years.

- (iii) The organization has not been in existence for at least three (3) consecutive years prior to the date of application.
- (iv) The organization does not have at least thirteen (13) active and voting members.
- (v) Exempted or excluded lawful gambling will not take place at a premises the organization owns or rents.
- (vi) Exempted or excluded lawful gambling will not be limited to a premises for which an on-sale liquor license has been issued.
- (vii) Exempted or excluded lawful gambling will occur at more than ____ premises within the city.
- (viii) An organization will have a permit to conduct exempted or excluded lawful gambling activities on more than one (1) premises in the city.
- (ix) More than one licensed, qualified organization will be conducting exempted or excluded lawful gambling activities at any one (1) premises.
- (x) Failure of the applicant to pay the permit fee provided by subdivision 3 within the prescribed time limit.
- (xi) Operation of gambling at the site would be detrimental to health, safety, and welfare of the community.

Otherwise the Council shall approve the application.

Subd. 9. Local permits shall be valid for one (1) year after the date of issuance unless suspended or revoked.

SECTION 11. REVOCATION AND SUSPENSION OF LOCAL PERMIT

Subd. 1. A local permit may be revoked or temporarily suspended for a violation by the gambling organization of any state statute, state rule, or city ordinance relating to gambling.

Subd. 2. A license shall not be revoked or suspended until written notice and an opportunity for a hearing have first been given to the permitted person. The notice shall be personally served or

sent by certified or registered mail. If the person refuses to accept notice, notice of the violation shall be served by posting it on the premises. Notice shall state the provision reasonably believed to be violated and shall also state that the permitted person may demand a hearing on the matter, in which case the permit will not be suspended until after the hearing is held. If the permitted person requests a hearing, the Council shall hold a hearing on the matter at least one week after the date on which the request is made. If, as a result of the hearing, the Council finds that an ordinance violation exists, then the Council may suspend or revoke the permit.

SECTION 12. LICENSE AND PERMIT DISPLAY

All permits issued under state law or this ordinance shall be prominently displayed during the permit year at the premises where gambling is conducted.

SECTION 13. NOTIFICATION OF MATERIAL CHANGES TO APPLICATION

An organization holding a state-issued premises permit or a local permit shall notify the city within ten (10) days in writing whenever any material change is made in the information submitted on the application.

SECTION 14. LOCAL GAMBLING TAX

Subd. 1. A local gambling tax of _____ percent per year is imposed on the gross receipts of a licensed organization from all lawful gambling less prizes actually paid out by the organization.



The tax may be imposed only in the amount necessary to cover the costs incurred by the city to regulate lawful gambling. Three percent (3%) is the maximum gambling tax a city may impose. A city may not charge an investigation fee if it levies a gambling tax. If a city imposes a lawful gambling tax it must file annually, by March 15, a report, with the Board showing (1) the amount of revenue produced by the tax during the preceding year, and (2) the use of proceeds of the tax. The report must be on a form prescribed by the Board. Minn. Stat. § 349.213, subd. 3.

Subd. 2. The tax shall be paid by the organization on a monthly basis and shall be reported on a copy of the monthly gambling activity summary and tax return filed with the Minnesota Department of Revenue. The report shall be an exact duplicate of the report filed with the Department, without deletions or additions, and must contain the signatures of organization officials as required on the report form.

Subd. 3. The tax return and payment of the tax due must be postmarked, or, if hand-delivered, received in the office of the city clerk, on or before the last business day of the month following the month for which the report is made.

Subd. 4. An incomplete tax return will not be considered timely filed unless corrected and returned by the due date for filing.

Subd. 5. Interest shall be charged at a rate of eight percent (8%) on all overdue taxes owed by the organization under this Section.

SECTION 15. CONTRIBUTION OF NET PROFITS TO FUND ADMINISTERED BY CITY

Subd. 1. Each organization licensed to conduct lawful gambling within the city pursuant to Minn. Stat. § 349.16, as it may be amended from time to time, shall contribute ten percent (10%) of its net profits derived from lawful gambling in the city to a fund administered and regulated by the city without cost to the fund. The city shall disburse the funds for charitable contributions as defined by Minn. Stat. § 349.12, subd. 7a, as it may be amended from time to time.



Under Minn. Stat. § 349.213, cities may require organizations conducting lawful gambling within the city to contribute ten percent (10%) of their net profits derived from lawful gambling to a fund administered and regulated by the city. The city may disburse the funds for lawful purposes. Lawful purposes for which these funds may be expended are listed in Minn. Stat. § 349.12, subd. 25. Cities may also expend these funds for police, fire, and other emergency or public safety-related services, equipment, and training, excluding pension obligations. A city making expenditures authorized under this paragraph must by March 15 of each year file a report with the Board, on a form the Board prescribes, that lists all such revenues collected and expenditures for the previous calendar year. Minn. Stat. § 349.213, subd. 1(f)(2). Cities must also acknowledge the financial contributions of organizations conducting lawful gambling to the community and to the recipients of the funds when administering a fund under Minn. Stat. § 349.213.

Subd. 2. Payment under this section shall be made on the last day of each month.

Subd. 3. The city's use of such funds shall be determined at the time of adoption of the city's annual budget or when the budget is amended.

SECTION 16. DESIGNATED TRADE AREA

Subd. 1. Each organization licensed to conduct gambling within the city shall expend one hundred percent (100%) of its lawful purpose expenditures on lawful purposes conducted within the city's trade area.



A city may require that a licensed organization conducting lawful gambling within its jurisdiction expend all or a portion of its expenditures for lawful purposes conducted or located within the city's trade area. The percentage that the city requires to be spent within the trade area must be specified in the ordinance defining the trade area. Minn. Stat. § 349.213, subd. 1(g).

Subd. 2. This section applies only to lawful purpose expenditures of gross profits derived from gambling conducted at a premises within the city's jurisdiction.

SECTION 17. RECORDS AND REPORTING

Subd. 1. Organizations conducting lawful gambling shall file with the city clerk one copy of all records and reports required to be filed with the Board, pursuant to Minn. Stat. ch. 349, as it may be amended from time to time, and rules adopted pursuant thereto, as they may be amended from time to time. The records and reports shall be filed on or before the day they are required to be filed with the Board.

Subd. 2. Organizations licensed by the Board shall file a report with the city proving compliance with the trade area spending requirements imposed by Section 16. Such report shall be made on a form prescribed by the city and shall be submitted annually.

SECTION 18. HOURS OF OPERATION

Lawful gambling shall not be conducted between 1 a.m. and 8 a.m. on any day of the week.



Cities may regulate hours and days of operation pursuant to Minn. Stat. § 349.213. A city with a 2 a.m. closing time for on-sale liquor stores could use 2 a.m. instead of 1 a.m.

SECTION 19. PENALTY

Any person who violates any provision of this ordinance; Minn. Stat. §§ 609.75-609.763, inclusive, as they may be amended from time to time; or Minn. Stat. §§ 349.11-349.21, as they may be amended from time to time; or any rules promulgated under those sections, as they may be amended from time to time, shall be guilty of a misdemeanor and subject to a fine of not more than \$1,000 or imprisonment for a term not to exceed 90 days, or both, plus in either case the costs of prosecution. In addition, violations shall be reported to the Board and recommendation shall be made for suspension, revocation, or cancellation of an organization's license.

SECTION 20. SEVERABILITY

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 21. EFFECTIVE DATE

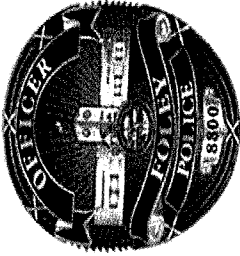
This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Passed by the City Council of _____, Minnesota this _____ day of Month, Year.

Mayor

Attested:

City Clerk



Foley Police Department

Calls for Service - 2021

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Driving Conduct	20	20	18	18	18	27	26	18	19	19			
Equipment Vio.	44	34	31	31	13	35	16	14	11	23			
Speed	19	16	32	26	65	42	47	45	31				
DWI/DUI	0	0	0	0	1	1	0	1	0	1			
DAR/S/C	2	1	0	0	2	4	3	3	1	5			
# Citations Issued	*15	*10	*10	*11	*9	*8	*8	*13	*9				
Accidents	1	2	3	3	3	2	5	1	3				
Hit and Run	0	0	0	0	0	1	1	0	2				
Gas Drive Offs	1	4	1	1	4	1	3	3	1				
Thefts	8	8	8	8	1	12	4	5	9				
Controlled Substance	1	2	2	1	1	2	0	1	6				
Suspicious Activity	26	21	20	20	26	30	35	21	33				
Burglaries/Robbery	1	2	0	1	0	0	0	0	0				
Medicals/Welfare	15	23	12	24	14	32	20	22	20				
Assaults/Domestic	2	2	5	5	5	7	4	8	8				
Harassment	0	2	4	8	4	5	1	1	0				
CDP/Vandalism	0	1	1	1	6	3	1	1	0				
Animal Complaints	6	2	5	9	6	12	8	4	2				
City Ordinance	17	6	27	21	41	19	2	9	9				
Parking Tickets	21	17	19	0	0	2	0	0	0				
Disturbing the Peace	5	0	6	7	3	3	6	5	8				
Gun Permits	4	5	6	6	3	2	0	1	2				
Warrant Arrests	1	2	1	1	1	0	1	0	0				
Civil	4	2	7	8	6	7	7	4	4				
Lockout	2	4	5	2	3	6	4	3	4				
Assist other Agencies	20	11	19	17	27	25	20	30	36				
Special Events	6	0	6	6	16	12	0	0	3				
Misc.	54	70	87	84	95	82	66	67	82				
TZD Hours	0	6 Hours	6 hours	0 Hours	30.75 HRS	5 Hours	0 Hours	0 Hours	0 Hours				
Total:	280	257	325	293	397	352	271	265	319	0	0	0	0

Misc Includes: Alarms, Extra Patrols, House watches, Matter of Info, etc.

TO: FOLEY CITY COUNCIL
FROM: SARAH BRUNN, CITY ADMINISTRATOR
SUBJECT: 10-05-21 -COUNCIL MEETING
DATE: OCTOBER 1, 2021

Consent Agenda

There are two license requests on the consent agenda. This approval would authorize payment and signature. These licenses are needed for a couple crossings for the wastewater forcemain to go across public waters.

Public Hearing – Water/Sewer, I/I, Snow/Weeds Assessments

We need to hold a public hearing in order to proceed with assessments of charges. As my earlier email had indicated we had many letters sent out and are still updating the list as they pay. We have included the master spreadsheet for the waters/sewer/I-I to where things stand at this time. The list is constantly changing and it's very likely be different on Tuesday. We will provide an update prior to the meeting. After the hearing, the council can move adoption. The affected property owners still have 30 days from this adoption to pay before it is sent to the county.

Triple E Secure Storage – Site Plan & Early Start

I have included updated plans in your council packet as well as draft minutes from the planning commission meeting. A number of the planning conditions have been met in the updated site plan but there are still a few outstanding. First, the developers made a change to the plat (updated copies in your packet) with the change in driveway location so the plat needs to go back to the joint planning board for consideration. There are also a few additional easements needed with any approval. These items are noted in the resolution if the council wishes to make that site plan approval.

Triple E has also requested an early start to put in footings prior to the frost. I have included a draft letter in your packet if the council wishes to move forward with an early start. This could be allowed based on the city having zoning and building permit authority in the orderly annexation area. There is risk with doing so as state and local approvals still remain outstanding. The letter clearly indicates the city is not responsible for any liability or damages resulting in the early start. We also expect the developer to follow any requirements put forth by the state or joint planning approval.

Gambling Premises Permit – Stone Creek Golf Course

There is a request for a premises permit for Stone Creek in your packet. I questioned this one as we already approved the local Foley Wrestling Club for gambling a couple months back. After speaking with the wrestling club, the issue is that the state is backlogged on approvals and taking months to approve new applicants. Their application has been pending since August. When they initially worked with the course on setting this up, they informed the golf course owners of the long state processing time. I also spoke to the owners of the golf course who indicate they cannot wait for the state to process any longer and need to get gambling in now and are seeking a different entity that is currently licensed in other locations (outside of Foley). The Foley Wrestling Club has indicated if this permit is approved with no restrictions, they will likely not be able to proceed with gambling at this location.

The council has the authority to approve or deny this request. The council also has the ability to approve this premises permit for a limited time (for example until December 31, 2021). The council can also wait up to 180 days before considering the application.

The City of Foley does not have a current ordinance which requires this, but it is very common for cities to require gambling proceeds to be spent within a local "trade" area. Many cities also prioritize local entities in premises permits and only allow outside organizations when no local entity is available. I've included Becker's gambling ordinance and also a League model policy for more information.

Monthly Water/Sewer Transition

I'd like to discuss with the council the possibility of offering a one-time \$10 incentive to account holders who sign up for autopay. If every person were to sign up for this offer it could cost us around \$9,000 in lost revenue. However, autopay does streamline the receipting process and also saves on credit card processing fees. If the council would like to proceed with this option, staff can include it in the mailed notices being sent out in October.

Land Use Plan

Staff has a final draft copy of the land use plan that is being reviewed. The final step in the process is to have a public hearing before council considers adoption. We will be publishing this information on our website soon and also hope to add this notification in the mailed newsletter being sent out in October. The public hearing will hopefully be held in December.

Upcoming Reminders:

October 11, 2021 – City Hall Closed - Holiday

October 18, 2021 – Planning Commission – 6:30pm

November 2, 2021 – Council Meeting – 5:30pm