

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – October 5, 2021

The Foley City Council held its regular meeting on October 5, 2021, at 5:30 p.m. at the Foley City Hall.

Members Present: Mayor Gerard Bettendorf, Councilmembers Jeff Gondeck, Rosalie Musachio, Gary Swanson, and Jack Brosh.

Members Absent: None

The pledge of allegiance was recited.

Motion by Swanson, seconded by Gondeck, to approve the agenda.
Motion carried unanimously.

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

Public Hearing – 2021 Water/Sewer, I/I, Weed/Snow Assessments – Payable 2022 Taxes

Mayor Bettendorf recessed the regular council meeting at 5:32 p.m. for the Public Hearing regarding 2021 assessments and invited the audience to speak.

Debra Olson, 600 Dewey Street, questioned the amount of the I&I penalty applied to her water/sewer bill listed in the assessment. Brunn asked Olson if she had reached out to city hall to ask the water/sewer billing clerk to review the amount. Olson said she had not. Brunn recommended that Olson call city hall during business hours so that the clerk could review her account with her. Staff is unable to review her account during the meeting.

No one else spoke.

Bettendorf reconvened the regular council meeting at 5:37 p.m.

Motion by Swanson, seconded by Gondeck, to adopt Resolution #2021-23 Adopting Water/Sewer and I/I Assessment Roll and Resolution #2021-24 Adopting Weed/Snow Assessment Roll.
Motion carried, unanimous.

Triple E Secure Storage – Site Plan & Early Start Request

Brunn addressed the council and referred them to their council packet. She explained that a number of conditions came from the Planning Commission on this project. Some of them were not yet satisfied. They are in the resolution in the council packet (e.g. building fascia requirements, easement requirements...etc...) so there will be a clear record on expectations. Discussion followed. Bettendorf expressed that he had no problem with the site plan and early start as long as conditions were met and that the city would not be responsible for liability or damage. Discussion followed.

Motion by Musachio, seconded by Gondeck, to adopt Resolution #2021-22 and approve the early start as long as developer signs off on waiver of liability.
Motion carried, unanimous.

Consider Gambling Premises Permit for Stone Creek Golf Course

Given that two charities had requested gambling permits at Stone Creek and one was already in progress and waiting on the state, Bettendorf proposed the council approve a temporary license for Pine Center that would carry through the end of the year at which time the Foley Wrestling Club would receive their license from the State of Minnesota and they could possibly switch or share the location.

Heidi Schwartz (note: speaker never stated full name or address while she was at the podium), manager of Stone Creek Golf Course addressed the council regarding the golf course's position and stated that Pine Center must be approved by the city before they can apply to the state for their permit. She also explained that Pine Center was interested in a permanent/ongoing permit with the golf course, not a six-month approval.

Brunn explained that the Foley Wrestling Club is also waiting for approval by the state. The delay seems similar to what staff is seeing with other state agencies. Discussion followed.

Brunn explained that the council could consider an ordinance that would require businesses to give priority to local charities but that is not a current city ordinance. The wrestling club is local and Pine Center is not based in Foley.

A representative from Pine Center addressed the council explaining that there is a startup cost to opening a new location. The club's understanding when they agreed to come was that the permit would be ongoing. The representative from the golf course said that two organizations could share one location.

Discussion followed. Bettendorf pointed out that the Wrestling Club may not want to share the location with Pine Center.

Motion by Brosh, seconded by Gondeck, to allow Pine Center a gambling permit effective Oct. 6 and the council will revisit the situation in six months.

Discussion followed with objections coming from the Golf Course representative. Brosh stated that he was confused why the golf course was objecting when the council was trying to help them.

Motion failed, with 5 nays.

The golf course representative firmly stated that the golf course did not want the Foley Wrestling Club at the golf course.

Motion by Brosh, seconded by Bettendorf, to adopt Resolution #2021-25 approving the gambling permit for Pine Center without the waiting period.

Motion carried 3-2 with Gondeck, Bettendorf and Brosh voting aye. Musachio and Swanson voting nay.

Mayor's Comments & Open Forum

Rachel Hansen, 161 Dewey Street, addressed the council stating that she had been fined for sidewalk shoveling twice for the time period prior to purchasing the house. Brunn recommended she reach out to the title company. An assessment search was done at the city level but the payment was not made for the outstanding bills. There may be title insurance that can cover it.

No one else spoke.

Department Reports

Police Department

Police Chief Katie McMillin updated the council on the stat report for September. Foley PD responded to 319 calls and saw an increase in agency assist calls as well as serious calls. The agency assist calls have primarily come because of Benton County being busy on the west side of the county. McMillin also said that the PD had seen an increase in people driving without a license, controlled substances, and calls from the school regarding alcohol and tobacco. The SRO has been very busy.

City Engineer

Jarod Griffith, city engineer, didn't have any updates for the council. Brosh asked for an update regarding the repairs to the PD parking garage. Mark Pappenfus, Public Works Director, explained that the hole that was discovered due to water draining near the foundation has been repaired.

Public Works and Fire Department

Pappenfus gave an overview to the council regarding fall projects including the Hwy 23 sidewalk and trails. Changes to the MnDOT policies requires some small changes in concrete thickness that the city will need to pay for. Discussion followed. Brunn explained that the state will bill the city upfront and then send a refund if necessary.

Pappenfus also gave an update regarding the drought and the state of the city wells. Usage is trending downward. We are still in a draught warning phase for this area. Residents should still continue to reduce their water usage. The salt shed construction will be framed up today.

The Fire Department's open house on Saturday went very well. Great turnout. Lots of donations of free hot dogs and pumpkins.

Administration

Sarah Brunn, City Administrator, asked the council to approve a \$10 credit for anyone who signs up for auto pay as we transition to monthly water/sewer billing.

Motion by Brosh, seconded by Swanson, to approve a \$10 per month credit for auto pay water/sewer accounts.

Discussion followed with Brunn explaining that the \$10 credit was meant to be a one-time credit at the time of auto pay signup.

Motion failed with Gondeck, Musachio, and Bettendorf voting nay and Swanson and Brosh voting aye.

Discussion followed.

Motion by Bettendorf, seconded by Musachio, to approve a one-time \$10 credit for auto pay water/sewer accounts.

Motion carried, unanimous.

Musachio expressed an interest in making sure there was an incentive to conserve water. Discussion followed.

Brunn presented to the council recommendations for updates to the fee schedule including water/sewer rates, pool admissions, and solar garden permitting. The fee schedule would move forward at the next meeting.

Brunn also informed the council that the county would be addressing an official proposal for a housing study. The county asked if the city would be still comfortable in moving ahead with the housing study. The city could also pay more to get more specific data if the council wished to have the information. Discussion followed with the council asking for more information before making that decision.

Brunn also asked the council if, given the discussion earlier regarding the Stone Creek gambling permit, if the council would like her to present a gambling ordinance at the next meeting. An ordinance could be considered that would require businesses to put priority on local organizations when applying for gambling permits.

On a personal note, Brunn added that she was frustrated by the situation with Stone Creek. The emails she exchanged regarding the situation prior to the meeting were sent to the full council.

Old Business

Brosh brought up that the Benton County broadband committee was doing a feasibility study. Brunn shared that she was on the committee and that the city was promoting across their communication channels.

New Business

No new business.

Motion by Gondeck, seconded by Swanson, to adjourn.

Motion carried, unanimous.

Meeting adjourned at 6:43 p.m.



Sarah A. Brunn, Administrator

(Minutes By: Sara- Judson Brown, Administrative Assistant)