



**City Council – Meeting Agenda  
December 7, 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 November 2, 2021.
  - Approve hire of Stacy Graham, full-time administrative assistant.
  - Approve Tri-Cap contract extension for Small Cities Program.
  - Approve easements of PID's 020051216, 130004181, 13005103.
  - Approve payment of bills.
5. Public Hearing – Final Land Use Plan
  - Consider adopting final plan.
6. Joint Planning Board – Triple E Secure Storage LLC Annexation Request
  - Adopt Resolution #2021-26 Approving Annexation per Orderly Annexation Agreement
7. Foley Fire Relief
  - Request increase in annual firefighter pension contribution.
8. Mayor's Comments & Open Forum
9. Department Reports:
  - Police Department –Katie McMillin
  - City Engineer – Jarod Griffith
  - Public Works & Fire – Mark Pappenfus
    - Discussion on Security Locksmiths Proposal
    - Update on vac truck purchase (from late 2020).
  - Administration – Sarah Brunn
    - 2022 Council Meeting Calendar
10. Old Business
  - Update on wastewater project.
11. New Business
12. **Public Hearing – Truth in Taxation Hearing – Cannot Start until 6pm**
  - Adopt Resolution #2021-27 Approving 2022 Tax Levy
13. Adjourn

CITY OF FOLEY, MINNESOTA  
CITY COUNCIL MEETING – November 2, 2021

The Foley City Council held its regular meeting on November 2, 2021, at 5:30 p.m. at the Foley City Hall.

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

Members Absent: None

The pledge of allegiance was recited.

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

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

Brosh questioned Sarah Brunn the City Administrator on reasoning behind taking additional vacation time versus a step in pay. Brunn explained it was done as a budgetary move to offset the new step schedule. Discussion followed. Musachio spoke in favor of it noting that many younger workers value extra vacation more than pay raises.

Motion carried, unanimous.

**Public Hearing – Fee Schedule Updates**

Mayor Bettendorf recessed the regular council meeting at 5:34 p.m. for the public hearing on fee schedule updates and asked if there was anyone present who would speak for or against the matter.

Debra Olson, 600 Dewey Street, asked several questions regarding fire calls versus medical calls and their fees as well as how billing is handled.

No one else spoke.

Bettendorf reconvened the regular city council meeting at 5:39 p.m.

Motion by Gondeck, seconded by Musachio, to approve the fee schedule changes, effective Jan. 1, 2022.

Motion carried, unanimous.

**Approve Updated City Job Descriptions**

Brunn presented the new job descriptions to the council stating that they had been reviewed by staff and feedback was taken into consideration. She reiterated to the council that accurate job descriptions protect the city and the employees.

Motion by Swanson, seconded by Gondeck, to approve the updated job descriptions.

Motion carried unanimous.

### **Discussion on Gambling Ordinance**

Brunn addressed the council, drawing their attention to additional information in their packets that had been dropped off earlier that afternoon. She reminded the council that no action was needed on the issue – the purpose of the topic being on the agenda was simply to have a discussion amongst the council.

Discussion followed with several council members expressing their opinions and asking questions. Brosh stated that he believed the council should not adopt any gambling ordinance given that money raised by non-profits would fluctuate every year. Musachio expressed support for a gambling ordinance as it would keep some of the profits raised within the local area. Swanson expressed that he saw no problem with a gambling ordinance. Bettendorf also expressed support for a gambling ordinance as it would support local charities over outside charities. Gondeck stated that he was not sure government should get into where people spend their money and that gambling is the choice of the individual. More discussion followed.

Brunn reminded the council that no action was required at this time. Bettendorf stated that more discussion would be needed.

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

Bettendorf opened the floor, inviting the public to speak at the podium.

Scott Kelvin of the Foley Boxing and Wrestling Club spoke regarding his experience with the charity and provided some examples of what other cities are doing with their gambling ordinances, including Gilman and Waite Park.

### **Department Reports**

#### **Police Department**

Chief Katie McMillin gave an overview of the stat report for October. There were a total of 327 calls. She noted that the miscellaneous category was high due to the increased number of juvenile issues the School Resource Officer was handling at the school. Next year, juvenile calls would be tracked in a separate category. McMillin also stated that records requests and medicals were up. Thefts were also up due to people leaving vehicles unlocked.

In October, she also presented Halloween safety at the schools and the winter parking enforcement reminder was also communicated to the public. McMillin also mentioned that a lot of stolen property was showing up in town. The department had recovered two stolen vehicles in the past month. Discussion and questions followed.

#### **City Engineer**

Jarod Griffith addressed the council stating there were no updates to projects at this time. The council did not have any questions for him.

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

Public Works Director Mark Pappenfus gave an overview to the council. Public Works is wrapping up fall projects and getting ready for winter. Salt will be delivered to the new salt shed when the county diverts trucks to us for use in November and December. The City will be buying more salt on state bid contract.

The Fire Department will be doing fire contracts that will cover the next three years. More info will be given to the council soon. Valuations have changed and will need to be considered in the new contract.

### **Administration**

City Administrator Sarah Brunn gave an overview to the council stating that staff has been very busy with building permits. Staff is also getting a lot of calls about the change in the water/sewer billing cycle. Final certifications for assessments will be sent over to the county auditor in mid-November. Anyone still wanting to pay will need to get the payment in to city hall soon.

Health insurance updates for 2022 were good news. Minimal changes. Property tax statements haven't gone out yet, so we haven't heard any comments from the public yet. Final levy hearing is coming in December.

Questions coming in from the public are currently concerns over the water/sewer rate increase, but there have also been several positive comments on moving to a monthly billing cycle. A lot of applications for auto pay have been received.

### **Old Business**

Brunn gave an overview on the wastewater project. The MPCA has approved eliminating the salty discharge perimeters for the ponds.

Brunn also asked the council to approve the expense for relocating a private well that is 50 feet from the force main route. The property owner has agreed but would like it done this year if possible.

Motion by Musachio, seconded by Gondeck, to approve the bid for relocation of the private well.

Discussion followed with Brosh asking what the cost would be if they dig a dry hole? Pappenfus said dry holes would be \$12 per foot to dig a second hole.

Motion carried, unanimous.

### **New Business**

No new business.

Motion by Swanson, seconded by Gondeck, to adjourn.

Motion carried, unanimous.

Meeting adjourned at 6:09 p.m.

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Sarah A. Brunn, Administrator

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

## ADMINISTRATIVE SERVICES AGREEMENT

Between the City of Foley and  
Tri-County Action Program, Inc.

THIS AGREEMENT, made and entered into by and between the City of Foley, Minnesota (hereafter referred to as the "City"), and Tri-County Action Program, Inc. (hereinafter referred to as "Tri-CAP"):

### WITNESSETH:

WHEREAS, The City has received program income from the Small Cities Development Program grant by the Minnesota Department of Employment and Economic Development to undertake commercial, rental and owner-occupied residential housing rehabilitation projects within the City of Foley; and

WHEREAS, the City desires that Tri-CAP act as the Service Administrator for the City for the commercial, rental and owner-occupied residential housing rehabilitation projects, and Tri-CAP represents that it is duly qualified and willing to perform said services as set forth herein:

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is agreed by and between the parties here to as follows:

#### I. Term of Contract

The term of this contract is approximately two years, and shall remain in effect until September 30, 2022. If all project activities are completed or funds are depleted prior to September 30, 2022, the agreement may terminate upon completion of all project activities.

#### II. Duties of Tri-CAP

As the Service Administrator, Tri-CAP agrees to perform all tasks enumerated below in a manner which will meet or exceed the terms and conditions specified in the Minnesota Department of Employment and Economic Development Grant Agreement. Tri-CAP shall provide services to include:

- Rehab project staffing
- Compliance with all applicable regulations, such as: Fair Housing, Equal Opportunity, Affirmative Action, Citizen Participation, Historic Properties Clearance
- Commercial labor standards (Davis Bacon requirements)
- Project implementation, including eligibility determination, applicant selection, file documentation, property inspection, work write-ups, project close out, repayment agreements
- Contracting procedures, including bid inspections, lien waivers, sworn construction statements, completion certificates, contractor payment requests.

#### 111. Financial Record Keeping and Control

Tri-CAP shall keep complete and maintain accurate records of all project claims and disbursements in accordance with program regulations. Tri-CAP will submit disbursement requests to the City of Foley.

#### IV. Miscellaneous

- A. Independent Contractor Status. For the purposes of this contract, Tri-CAP shall be deemed an independent contractor, not an employee of the City. Any and all employees of Tri-CAP

or other persons while engaged in the performance of any work or services required by Tri-CAP under this agreement, shall not be considered employees of the City; and any and all claims that may or might arise on behalf of said employees or other persons as a consequence of any act or omission on the part of said employees or Tri-CAP shall in no way be the obligation or responsibility of the City.

- B. Indemnity. It is further agreed that Tri-CAP shall defend and save the City harmless from any claims, demands, actions, or causes or action arising out of any act or omission on the part of Tri-CAP, its agents or employees in performance of, or with relation to, any of the work or services provided to be performed or furnished by Tri-CAP under the terms of this agreement.
- C. Amendments. Any alteration, variation, modification, or waiver of the provisions of this Agreement shall be valid only after it has been reduced to writing, duly signed by both parties, and attached to the original of this Agreement.
- D. Laws. In performing the provisions of the Agreement, Tri-CAP agrees to comply with all federal, state, and local laws, and all applicable rules, regulations or standards which are not or hereafter promulgated. If at any time notice of non-compliance is received by Tri-CAP, it agrees to take any necessary action to comply with the grant agreement or the state or federal law in question.
- E. Cancellation. The City may terminate this contract if Tri-CAP fails to perform any of the provisions thereof. Such termination shall occur 30 days after the receipt by Tri-CAP of non-performance of the provisions of this Agreement.

Tri-CAP may terminate this contract by a Thirty (30) day written notice to the City of Foley.

Written notice shall be mailed to the other party at the following addresses:

City of Foley  
PO Box 709  
Foley, MN 56329

Tri-County Action Program, Inc.  
PO Box 683  
Waite Park, MN 56387

- F. Severability Clause. Should any of the above provisions be subsequently determined by a court of competent jurisdiction to be in violation of any federal or state law or to be otherwise invalid, both parties agree that only those provisions so adjudged shall be invalid and that the remainder of this Agreement shall remain in full force and effect.

#### V. Budget

Budget amounts will be as according to the Department of Employment and Economic Development contract as follows:

Program Income will be approved by the City on a project basis.

Tri-CAP administration costs will be paid on a reimbursement basis at a cost of \$2,500 per application processed.

NOTICE TO CONTRACTOR (Tri-CAP): You are required by Minnesota Statutes, Section 270.066 to provide your social security number or Minnesota Tax Identification Number if you do business with the State of Minnesota. This information may be used in the enforcement of federal and state laws. Supplying these numbers could result in action to require you to file state tax returns and pay delinquent state tax liabilities. This contract will not be approved unless these numbers are provided. These numbers will be available to federal and state tax authorities and state personnel involved in the payment of state obligations.

Federal Employer I.D. 41-6049739

IN WITNESS WHEREOF, the parties have executed this Agreement on \_\_\_\_\_ in the City of Foley, County of Benton, Minnesota.

City of Foley

Tri-County Action Program, Inc.

By: \_\_\_\_\_  
Title: Mayor

By: Lori Schaefer 11/23/2021  
Title: Executive Director

Approved as to Form and Execution

By: \_\_\_\_\_  
Title: City Administrator



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### DESCRIPTION OF PROPOSED EASEMENT

A perpetual easement for public road right of way purposes over, under, across and through all that part of the abandoned former Burlington Northern Railroad company right-of-way, in the Northwest Quarter of the Southeast Quarter (NW1/4 of SE1/4) lying Northwesterly of the centerline of the original main track of said Railroad Company of Section Thirty-four (34), Township Thirty-seven (37), Range Twenty-nine (29), Benton County, Minnesota, EXCEPT the West 2 rods of said Northwest Quarter of Southeast Quarter (NW 1/4 of SE 1/4);

### CERTIFICATION

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.

Daniel J. Bemboom, PLS  
Minnesota License No. 46562

December 1, 2021

Date

City of Foley

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 1200 25<sup>th</sup> Avenue South, MN 56301-4806

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SECTION 34

SW 1/4 OF NE 1/4

NE 1/4 OF SE 1/4

NW 1/4 OF SE 1/4

TWP 37 N

RNG 29 W

NORTH LINE OF NW 1/4 OF SE 1/4

NORTHWEST RAILROAD RIGHT OF WAY

50.00

CENTERLINE OF ORIGINAL MAIN TRACK

2 RODS 33.00

WEST LINE OF NW 1/4 OF SE 1/4

60TH STREET NE



# EASEMENT EXHIBIT FOR:

CITY OF FOLEY

PID NO. 020051216

SEH Project	G21
Drawn By	DJB
Designed By	DJB
Checked By	DJB

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Daniel J. Bemboom*

DANIEL J. BEMBOOM

DATE 12/01/2021

LICENSE NO. 46562





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### DESCRIPTION OF PROPOSED EASEMENT

A perpetual easement for public road right of way purposes over, under, across and through all that portion of Burlington Northern Railroad Company's right-of-way near Foley, Minnesota on the St. Cloud to Mora, Minnesota Branch Line, now discontinued, varying in width on each side of the main track centerline as originally, located and constructed upon, over and across Section 34, in Township 37 North, Range 29 West of the Fourth P.M., Benton County, Minnesota, described as follows, to wit:

All that portion of said Railroad Company's 100 foot wide Branch Line right-of-way being 50 feet wide on each side of said main track centerline situated in the S1/2 NE1/4 of said Section 34.

### CERTIFICATION

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.

Daniel J. Bemboom, PLS  
Minnesota License No. 46562

December 1, 2021  
Date

City of Foley

Engineers | Architects | Planners | Scientists

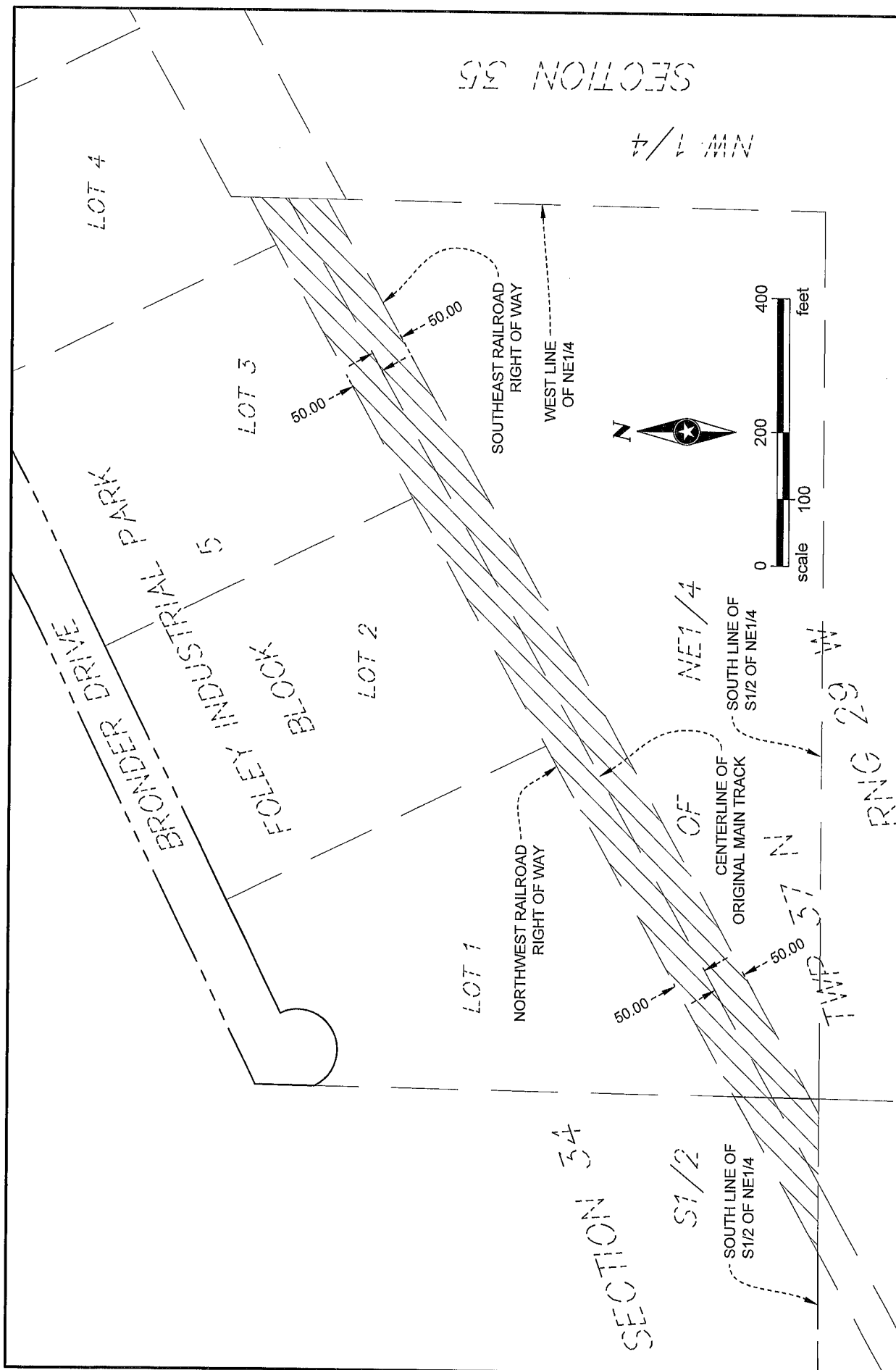
Short Elliott Hendrickson Inc., 1200 25<sup>th</sup> Avenue South, MN 56301-4806

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DANIEL J. BEMBOOM	12/01/2021	46562
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PID NO. 130004181

SEH Project	G21
Drawn By	DJB
Designed By	DJB
Checked By	DJB





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### DESCRIPTION OF PROPOSED EASEMENT

A perpetual easement for public road right of way purposes over, under, across and through all that portion of Burlington Northern Railroad Company's right-of-way near Foley, Minnesota on the St. Cloud to Mora, Minnesota Branch Line, now discontinued, varying in width on each side of the main track centerline as originally, located and constructed upon, over and across Section 35, in Township 37 North, Range 29 West of the Fourth P.M., Benton County, Minnesota, described as follows, to wit:

All that portion of said Railroad Company's 150 foot wide Branch Line right-of-way being 75 feet wide on each side of said main track centerline situated in the NW1/4 of said Section 35 lying Southwesterly of the southwesterly right of way line of 2<sup>nd</sup> Avenue West, as platted in FOLEY INDUSTRIAL PARK TWO, according to the recorded plat thereof, said Benton County, Minnesota.

### CERTIFICATION

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.

Daniel J. Bemboom, PLS  
Minnesota License No. 46562

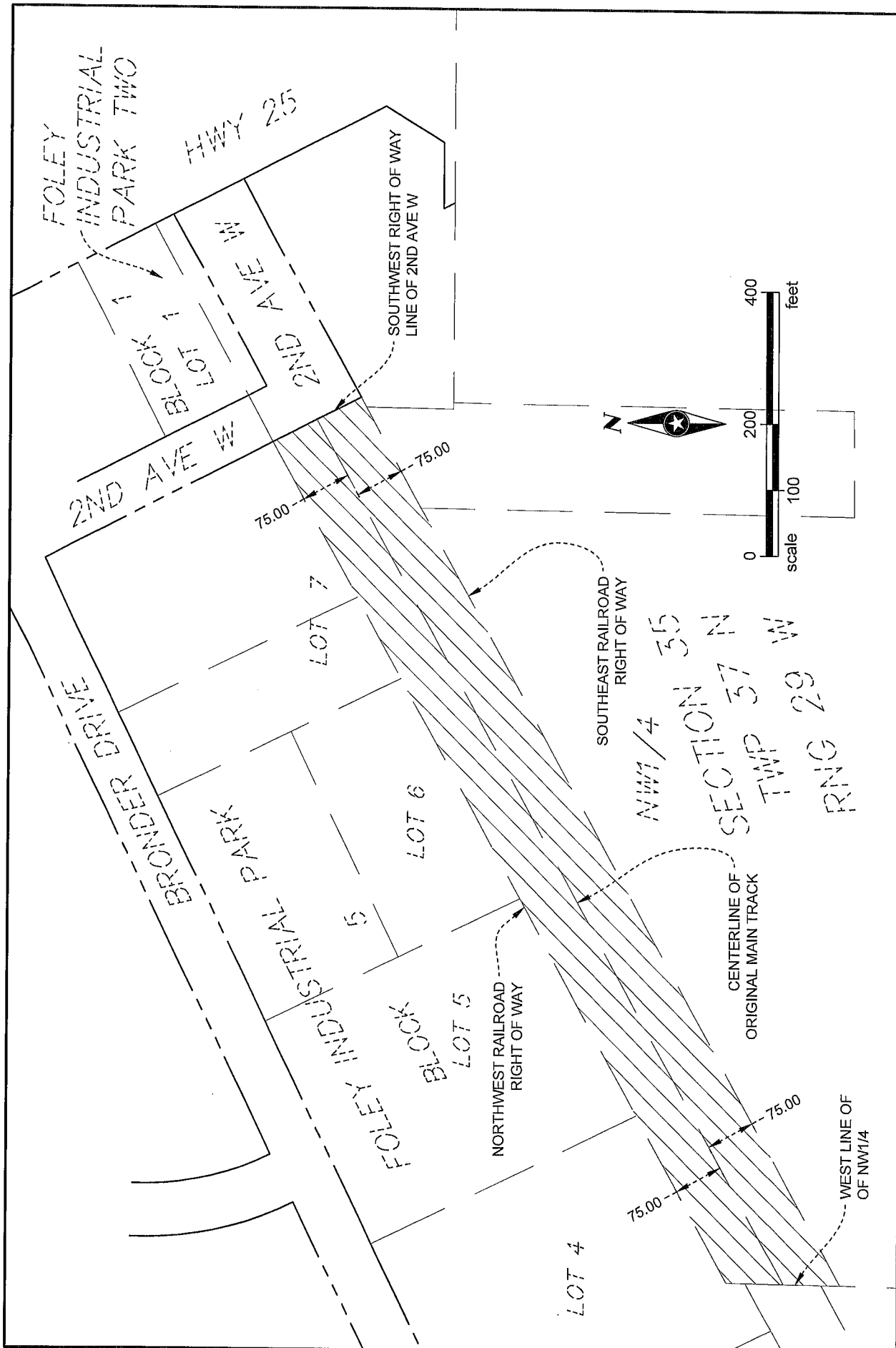
December 1, 2021  
Date

City of Foley

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 1200 25<sup>th</sup> Avenue South, MN 56301-4806

SEH is 100% employee-owned | [sehinc.com](http://sehinc.com) | 320.229.4300 | 888.572.0617 | 888.908.8166 fax



3

of 3

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Daniel J. Bemboom*  
DANIEL J. BEMBOOM

DATE 12/01/2021

LICENSE NO. 46562

### EASEMENT EXHIBIT FOR:

CITY OF FOLEY

PID NO. 130005103

SEH Project	G21
Drawn By	DJB
Designed By	DJB
Checked By	DJB

# Bills List - December 7th, 2021

Gross Salaries	Payroll - 11/5/21	\$ 28,613.78
EFTPS	Federal Withholding	\$ 5,322.47
MN Dept of Revenue	State Withholding	\$ 1,021.77
State Treas. PERA	PERA	\$ 5,567.70
Nationwide	Deferred Comp	\$ 895.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$ 55.00
Further	HSA Contribution	\$ 600.00

Gross Salaries	Payroll - 11/19/21	\$ 30,085.28
EFTPS	Federal Withholding	\$ 5,490.25
MN Dept of Revenue	State Withholding	\$ 1,075.22
State Treas. PERA	PERA	\$ 5,978.56
Nationwide	Deferred Comp	\$ 895.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$ 55.00
Further	HSA Contribution	\$ 600.00

Gross Salaries	Payroll - 12/3/21	\$ 29,333.78
EFTPS	Federal Withholding	\$ 5,364.70
MN Dept of Revenue	State Withholding	\$ 1,033.60
State Treas. PERA	PERA	\$ 5,780.10
Nationwide	Deferred Comp	\$ 895.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$ 55.00
Further	HSA Contribution	\$ 600.00

## Already Paid - 12/7/21

RevTrak	CC Processing Fee - October 2021	\$ 817.28
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## To Be Paid - 12/7/21

Alex Air Apparatus	Fire Equipment Repair	\$ 157.00
Arnold's of St. Cloud	New Holland Repair	\$ 193.50
Auto Value	Shop, PW & FD Vehicle Repair	\$ 2,116.84
Benton County Attorney	Legal Fees	\$ 121.00
Benton County Highway Department	PD Fuel	\$ 831.05
Benton Economic Partnership	2022 Annual Membership	\$ 2,650.00
Central McGowan	PD Medical Supplies	\$ 73.83
Chamerlain Oil Co.	Truck Oil & Repairs	\$ 1,658.36
Cintas	Uniforms	\$ 234.51
Cloutnet	Server Fee	\$ 10.00
Coborn's	Shop, Fire, & City Hall Supplies	\$ 174.78
Compass Minerals	Street Salt	\$ 4,154.10
Delta Dental	Employee Dental Insurance	\$ 1,092.15
East Central Energy	Utilities	\$ 973.46
ESO Solutions	FD Annual Support	\$ 254.62
Ferguson	Hydrant Repair & Water Equipmen	\$ 4,138.52
First National Bank of Omaha	Credit Card Purchases	\$ 821.25
Foley Area Chamber of Commerce	2022 Membership Dues	\$ 200.00
Foley Fuel & Lumber	2021 CIP - Salt Shed	\$ 11,188.49
Foley Hardware	Park Repairs & Maint	\$ 27.44
Foley Medical Center	PD Employment Physicals	\$ 769.00
Further	Employer HSA Contribution, Admin Fee	\$ 380.35
Galls	PD Uniforms	\$ 72.48
Gilmanton Township	Triple E Annexation Tax Payment	\$ 244.51
Gopher State One Call	Email Tickets	\$ 25.65
Granite Electronics	PW & FD Radio Repairs	\$ 703.86
Handyman's Hardware	Shop Roof Maint	\$ 49.99
Hawkins	Water Chemicals	\$ 2,813.46
Henry Schein	FD Supplies	\$ 188.94
KM Fire Pump Specialists	FD Supplies & Vehicle Maint	\$ 605.50
MacQueen Emergency	FD Equipment	\$ 316.94

Marco Technologies	Council Chambers Microphone, Copier Lease	\$	618.57
Med Compass	FD Fit Tests & Exams	\$	1,420.00
MidCo	Phone & Internet Services	\$	720.11
Mimbach Fleet Supply	PW Shop Supplies	\$	204.95
Minnesota Paving & Materials	Street Cold Mix	\$	1,436.96
MN Dept of Agriculture	2022 Tree Care Registry	\$	25.00
MN Dept of Health	Water Permit 2021 Quarter 4	\$	2,201.00
MN Dept of Revenue	Sales & Use Tax	\$	299.00
Molitor Excavating	Waterline Repair - 811 Penn St, 325 Glen St	\$	3,060.00
Momentum Truck Group	9801 Repair	\$	18.53
MTI Distribution	Mower Blades	\$	71.77
Murphy Chevrolet	PD Squad Repair	\$	249.80
New Frontier Services	Website Maint	\$	93.75
Nuss Truck & Equipment	FD Vehicle Maint	\$	135.56
Rinke Noonan	WWE, Triple E, NHW/JPB, General Legal	\$	2,696.00
Riteway Business Forms	Utility Billing Forms	\$	483.20
RMB Environmental Laboratories	Water & Sewer Testing	\$	1,410.00
Security Locksmiths, Inc	FD Building Maint	\$	4,993.50
Shift Technologies	IT Services, Anti Spam	\$	2,059.87
Short Elliott Hendrickson	Pouchtec, I&I, Industrial Park, General Engineering	\$	15,159.00
Sirchie	PD Drug Testing	\$	63.69
Staples	Office Supplies	\$	66.99
Star Publications	Christmas Lighting, Publications, Job Posting	\$	408.24
Sun Life Financial	LTD Insurance	\$	208.02
Thomas Tool & Supply	PW Shop Supplies	\$	519.97
US Able Life	Employee Life Insurance	\$	239.50
Van Meter, Inc	PD Garage Ceiling Fans	\$	361.16
Verizon	Cell Phones	\$	276.28
Victory Door Systems	Garage Door Opener	\$	175.00
W.Reeves & Associates	FD Emergency Equipment	\$	803.36
Wex Bank	Credit Card Fuel Purchases	\$	2,237.56
Xcel Energy	Utilities	\$	5,176.09
Ziegler, Inc.	Street Vehicle Maint	\$	177.88
		<b>\$</b>	<b>215,446.38</b>

**CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA**

**RESOLUTION #2021-26**

**A RESOLUTION APPROVING ANNEXATION OF LAND LOCATED IN GILMANTON  
TOWNSHIP, BENTON COUNTY PER ORDERLY ANNEXATION AGREEMENT**

**WHEREAS**, Minnesota Statutes § 414.0325 provides a procedure for Gilmanton Township and the City of Foley to agree on a process of orderly annexation of a designated area;

**WHEREAS**, Gilmanton Township and the City of Foley jointly have an orderly annexation agreement which was adopted on March 19, 2021 and filed with the state;

**WHEREAS**, the property owners of the legally described property in **Exhibit A** and shown in map of **Exhibit B** submitted a request for annexation along with a plat application on July 16, 2021;

**WHEREAS**, the City of Foley served written notice to Gilmanton Township of the requested annexation on July 28, 2021 and no comments were received back from Gilmanton Township;

**WHEREAS**, the annexation request meets the terms identified in the orderly annexation agreement;

**NOW, THEREFORE BE IT RESOLVED**, the City of Foley hereby approves this annexation and directs staff to file the change with the state;

**BE IT FURTHER RESOLVED**, the City of Foley will issue the tax reimbursement to Gilmanton Township per the conditions of the orderly annexation agreement.

Adopted by City Council for the City of Foley this 7<sup>th</sup> day of December, 2021.

\_\_\_\_\_  
Gerard L. Bettendorf, Mayor

ATTEST:

\_\_\_\_\_  
Sarah A. Brunn, City Administrator



**(Map of Property to be Annexed)**

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

## OFFICE OF THE STATE AUDITOR

## Financial Projections

	2021	2022	
Total Active Member Liabilities	870,115	945,620	
Total Deferred Member Liabilities	53,975	53,975	
Total Unpaid Installments	0	0	
Grand Total Special Fund Liability	A. 924,090	B. 999,595	
Normal Cost (Cell B minus Cell A)			C. 75,505

## Projection of Net Assets for Year Ending December 31, 2021

Special Fund Assets at December 31, 2020 (FIRE-20 Form ending assets) 1 1,095,040

## Projected Income for 2021

Fire State Aid (2020 fire state aid of \$46,889 may be increased by up to 3.5%)	D. 47,000
Supplemental State Aid (actual 2020 supplemental state aid)	E. 10,350
Municipal / Independent Fire Dept. Contributions	F. 7,500
Interest / Dividends	G. 10,000
Appreciation / (Depreciation)	H. 10,000
Member Dues	I.
Other Revenues	J.
Total Projected Income for 2021 (Add Lines D through J)	2 84,850

## Projected Expenses for 2021

Service Pensions (fill in individual pension amounts below)

Names:


\$ Amounts:

12,627
194,726
8,157

K. 215,510

Other Benefits

L.

Administrative Expenses

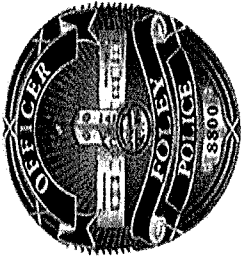
M. 13,000

Total Projected Expenses for 2021 (Add Lines K through M) 3 228,510

Projected Net Assets at December 31, 2021 (Add Lines 1 and 2, subtract Line 3) 4 951,380

## Projection of Surplus or (Deficit) as of December 31, 2021

Projected Assets (Line 4)	5 951,380
2021 Accrued Liability (Page 4, cell A)	6 924,090
Surplus or (Deficit) (Line 5 minus Line 6)	7 27,290



# 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	27	26	26	18	19	19	13	20	
Equipment Vio.	44	34	31	13	35	16	16	14	11	23	20	33	
Speed	19	16	32	26	65	42	42	47	45	31	38	26	
DWI/DUI	0	0	0	0	1	0	0	1	0	1	0	1	
DAR/S/C	2	1	0	2	4	3	3	3	1	5	3	1	
# Citations Issued	*15	*10	*10	*11	*9	*8	*8	*8	*13	*9	*11	*3	
Accidents	1	2	3	3	3	2	2	5	1	3	6	4	
Hit and Run	0	0	0	0	0	1	1	1	0	2	0	0	
Gas Drive Offs	1	4	1	1	4	1	1	3	3	1	3	3	
Thefts	8	8	8	8	1	12	4	4	5	9	20	12	
Controlled Substance	1	2	2	1	1	2	2	0	1	6	4	4	
Suspicious Activity	26	21	20	20	26	30	30	35	21	33	28	28	
Burglaries/Robbery	1	2	0	1	0	0	0	0	4	0	0	0	
Medicals/Welfare	15	23	12	24	14	32	32	20	22	20	28	24	
Assaults/Domestic	2	2	5	5	5	7	7	4	8	8	8	4	
Harassment	0	2	4	8	4	5	5	1	1	0	1	1	
CDP/Vandalism	0	1	1	1	6	3	3	1	0	2	3	3	
Animal Complaints	6	2	5	9	6	12	12	8	4	8	9	6	
City Ordinance	17	6	27	21	41	19	19	2	9	9	3	3	
Parking Tickets	21	17	19	0	0	2	2	0	0	0	0	20	
Disturbing the Peace	5	0	6	7	3	3	3	6	5	8	3	4	
Gun Permits	4	5	6	6	3	2	2	0	1	2	7	1	
Warrant Arrests	1	2	1	1	1	0	0	1	0	0	4	3	
Civil	4	2	7	8	6	7	7	7	4	4	3	3	
Lockout	2	4	5	2	3	6	6	4	3	4	3	3	
Assist other Agencies	20	11	19	17	27	25	25	20	30	36	19	22	
Special Events	6	0	6	6	16	12	12	0	0	3	4	1	
Misc.	54	70	87	84	95	82	82	66	67	82	97	62	
TZD Hours	0	6 Hours	6 hours	0 Hours	30.75 HRS	5 Hours	0 Hours	0 Hours	0 Hours	0 Hours	0 Hours	0 Hours	
Total:	280	257	325	293	397	352	352	271	265	319	327	292	3378

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

KM8801

Security Locksmiths, Inc.

2040 7th St. N  
St. Cloud, MN 56303

# Estimate

DATE	ESTIMATE NO.
11/22/2021	1730

NAME / ADDRESS
CITY OF FOLEY P.O. BOX 709 FOLEY, MN 56329

			PROJECT
DESCRIPTION	QTY	COST	TOTAL
COMPOSITE ACCESS CONTROL CABLE - 22/6S, 18/4, 22/4, 22/2. PRICE PER FOOT	50	1.00	50.00
DOOR 4 - POLICE EXTERIOR DOOR			
HID THINLINE PROX READER	1	280.85	280.85
HES 9600 GENESIS RIM ELECTRIC STRIKE - OIL RUBBED BRONZE FINISH	1	597.56	597.56
COMPOSITE ACCESS CONTROL CABLE - 22/6S, 18/4, 22/4, 22/2. PRICE PER FOOT	50	1.00	50.00
DOOR 5 - CITY HALL ADMIN OFFICE			
HID PROX POINT MICRO MULLION READER	1	159.40	159.40
ADAMS RITE ULTRALINE ELECTRIC STRIKE CLEAR ALUMINUM	1	245.00	245.00
COMPOSITE ACCESS CONTROL CABLE - 22/6S, 18/4, 22/4, 22/2. PRICE PER FOOT	150	1.00	150.00
DOOR 6 - CITY HALL ENTRY DOOR			
HID PROX POINT MICRO MULLION READER	1	159.40	159.40
COMPOSITE ACCESS CONTROL CABLE - 22/6S, 18/4, 22/4, 22/2. PRICE PER FOOT	150	1.00	150.00
**ELECTRIC STRIKE EXISTING**			
THE FOLLOWING ITEMS ARE RECURRING MONTHLY CHARGES. THIS ESTIMATE REFLECTS THE FIRST YEAR PAID UP FRONT.		0.00	0.00
ALARM.COM ACCESS CONTROL MONTHLY FEE FOR 6 DOORS	12	44.00	528.00
		<b>TOTAL</b>	<b>\$12,527.06</b>

Security Locksmiths, Inc.

2040 7th St. N  
St. Cloud, MN 56303

# Estimate

DATE	ESTIMATE NO.
11/22/2021	1730

NAME / ADDRESS
CITY OF FOLEY P.O. BOX 709 FOLEY, MN 56329

			PROJECT
DESCRIPTION	QTY	COST	TOTAL
CITY HALL OUT OF SHOP SERVICE	24	100.00	2,400.00
ALTRONIX TROVE 3 ENCLOSURE WITH MERCURY BACKPLANE. ROOM FOR 16 DOORS ON BACK PANEL, ADDITIONAL 16 DOORS ON OPTIONAL DOOR BACKPLANE INCLUDING 2x 10A 24VDC POWER SUPPLIES, 2x 8 DOOR ACCESS CONTROL BOARD, 2x 8 PORT POWER DISTRIBUTION MODULE, POWER SWITCHES	1	3,361.50	3,361.50
ALARM.COM ADVANCED 2 DOOR CONTROLLER - BOARD ONLY	1	892.50	892.50
ALARM.COM ACCESS CONTROL 2 READER EXPANSION MODULE	2	508.50	1,017.00
12V BACKUP BATTERY	4	30.00	120.00
DOOR 1 - POLICE EXTERIOR GARAGE HID PROXPRO READER WITH INTEGRATED KEYPAD	1	495.00	495.00
COMPOSITE ACCESS CONTROL CABLE - 22/6S, 18/4, 22/4, 22/2. PRICE PER FOOT	150	1.00	150.00
***ELECTRIC STRIKE PRE-INSTALLED WITH NEW DOOR***			
DOOR 2 - POLICE EVIDENCE ROOM HID PROXPRO READER WITH INTEGRATED KEYPAD	1	495.00	495.00
ADAMS RITE ULTRALINE ELECTRIC STRIKE CLEAR ALUMINUM	1	245.00	245.00
COMMAND ACCESS POWER TRANSFER HINGE	1	125.00	125.00
COMPOSITE ACCESS CONTROL CABLE - 22/6S, 18/4, 22/4, 22/2. PRICE PER FOOT	135	1.00	135.00
DOOR 3 - POLICE REAR LOBBY HID THINLINE PROX READER	1	280.85	280.85
ADAMS RITE ULTRALINE ELECTRIC STRIKE CLEAR ALUMINUM	1	245.00	245.00
ARROW GRADE 2 STOREROOM LEVER - SFIC	1	145.00	145.00
DON-JO STAINLESS SIMPLEX RETROFIT PLATES	2	25.00	50.00
		<b>TOTAL</b>	

**From:** [Mark Pappenfus](#)  
**To:** [Sarah Brunn](#)  
**Subject:** FW: MacQueen Equipment 2016 Vactor Proposal  
**Date:** Monday, November 23, 2020 12:43:12 PM  
**Attachments:** [City of Foley Justification for Purchase of Vactor 2100 Plus from MacQueen Equipment.docx](#)  
[2016 Vactor Quote MacQueen 11.19.20.PDF](#)

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Sarah,

The attached is for the 12-1-2020 City Council Packet. As I've discussed with Council before and we have in this years budget, we have been looking for a replacement Sewer Vac Truck. We do have \$360,000 budget in 2020 for replacement of this truck. We have been looking for a used Machine but have been unable to find a quality replacement so we did get a price of a new machine from a different vendor. We recently were able to come across a used 2017 Unit that appears to be in very good condition. At present, it is hoped that this Unit will become available just after the 1<sup>st</sup> of the year on a Trade-in. I would like City Council approval to allow City staff to go view this Unit and if everything is satisfactory, allow Staff to sign into a purchase agreement on this truck. The price of this Unit will be \$300,000 less the trade-in of our current Unit. If a purchase agreement is signed, the information will then be brought back to City Council for final approval of the purchase.

Attached is a quote and information sheet for this Unit. If anyone needs anymore information on this Unit, please contact me prior to the meeting.

Thanks, Mark

**Mark Pappenfus**  
**City of Foley Public Works Director**

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**From:** Aaron Windseth <Aaron.Windseth@macqueengroup.com>  
**Sent:** Thursday, November 19, 2020 9:16 AM  
**To:** Mark Pappenfus <mpappenfus@ci.foley.mn.us>  
**Subject:** MacQueen Equipment 2016 Vactor Proposal

Mark,

In addition to the pictures I sent you of the 2016 Vactor 2100 Plus on a 2017 Freightliner Tandem Chassis, please also see the attached supporting documents for council. If you were to order a new version of this truck today off the MN State Contract it would be about \$515,000.

We are proposing a sales price of \$300,000 that will include MacQueen Equipment fully going through the entire unit and fixing and or replacing any necessary parts with OEM parts from our factory technicians. We will include you throughout this process to make sure we are both in agreement. Also, this truck does not have a hydroexcavating kit so we are including installing a new one prior to delivery.

Attached is the following:

- Quote in the amount of \$300,000 showing the option content.

- Original build sheet from Vactor showing ALL standard options not listed on quote as well as the additional options this unit has.
- Letter of justification that I put together based on our conversations. You can edit this any way you see fit and choose whether to use it or not but thought it may help!

I sincerely appreciate the opportunity and if this goes through the unit would be available in 2021 and more to follow on that shortly.

Regards,

**AARON WINDSETH**

MacQueen Group

District Sales Representative | Saint Paul, MN

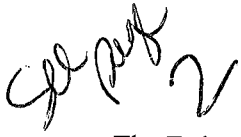
D.952-261-5667 | O.651-645-5726 | E. [aaron.windseth@macqueengroup.com](mailto:aaron.windseth@macqueengroup.com)



**MACQUEEN**  
EQUIPMENT



**MACQUEEN**  
EMERGENCY



CITY OF FOLEY, MINNESOTA  
CITY COUNCIL MEETING – December 1, 2020

The Foley City Council held a regular meeting on December 1, 2020, at 5:30 p.m. at the Foley City Hall.

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

Members Absent: None

The pledge of allegiance was recited.

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

**Consent Agenda**

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

- Approve minutes of Nov. 10 & 13, 2020.
- Approve Proclamation – School Choice Week.
- Approve payment of bills.

Motion carried, unanimous.

**S.E.H. – Smoke Testing Report**

Jarod Griffith, City Engineer filling in for Jon Halter, gave an overview to the council of the results of the I&I sewer study last spring. The full report was included in the council packet. The flow monitoring and sewer testing focused on the two primary sewer districts feeding into Broadway Avenue and Birch Drive. The meters recorded five major rain events. The results showed that I&I issues are improving, but there are still areas of concern. Table 3 and 4 showed the wet to dry ratio of the city's wastewater is double during rain events. Roughly 70% of the I&I flow is in the Broadway Avenue lift station district. Next step is to develop a manhole repair plan to fix defects. Discussion and questions from the council followed. No cost estimates for recommended projects at this time. These will be brought back to the council for consideration in the spring.

**Mayor's Comments & Open Forum**

No one spoke.

**Department Reports**

**Foley Police Department**


Chief Katie McMillin gave an overview of the November call report. The department received 265 calls in November. Equipment violations were up (taillights and headlights) while animal complaints were down. Winter Parking is now in effect as of Nov. 1. Twenty-five parking tickets were issued after reminders were posted on the city's social media. Warnings were given for the first week in November before tickets were issued. The department received eight applications for the part-time officer position. The review and hiring process will be postponed until January.



### **City Engineer**

Jarod Griffith, city engineer, gave the council an update and overview of possible 2022 projects. The lift station at 11<sup>th</sup> Avenue and force main would be removed down to Penn Street. The project is estimated at \$248,949.45. The utility improvement project to extend gravity sewer to Lord Avenue is estimated at \$150,255. Discussion and questions followed. If the council wishes to proceed these improvements would be done in coordination with the 2022 highway project. The council also asked further questions regarding the lighting on the Hwy 23 roundabout project.

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



Mark Pappenfus gave an update to the council on the purchase of a new sewer vac truck and directed the council to the materials in their packet. The 2020 budget includes \$360,000 for the purchase of a new truck. Pappenfus said he'd found a used 2017 truck in good condition that looked promising and might be available after Jan. 1. Pappenfus asked the council for a motion to allow staff to evaluate the truck and sign a purchase agreement for \$300,000 (less the trade in for the existing vehicle) if the truck passed inspection. Motion by Gondeck, seconded by Swanson, to authorize staff to review the vehicle and sign a purchase agreement with the understanding it would come back to the council to approve the expenditure. Motion carried, unanimous. Pappenfus said there were no updates from the fire department at this time other than that accidents were way down in November.

### **Administration**

City Administrator Sarah Brunn asked the council if there were any questions regarding the 2021 meeting schedule provided in the council packet. She also directed the council to her performance review questionnaire and evaluation sheet included in the packet and asked for the council's feedback. Brunn also reminded the council they would be discussing the sewer rate ordinance next month. Brunn also reported the Cares money reporting was completed and sent to the state. The county also approved and released a non-profit grant list on Monday. The 4<sup>th</sup> Avenue N art mural is now complete.

### **Old Business**

Brunn gave the council an update on the Orderly Annexation and Joint Planning agreement with Gilman Township. Brunn would attend the township meeting after the city council meeting and would report back to the council.

### **Public Hearing – Truth in Taxation Hearing**

Mayor Bettendorf recessed the regular city council meeting at 6:08 p.m. to conduct a public hearing on the 2021 budget.

Brunn explained the levy increase for the 2021 budget was minimal. It would amount to a 1.05% increase, which was less than the city's projected tax base growth of 4%.

Josh Coder, 220 2<sup>nd</sup> Avenue, asked who evaluated property values in the city. Brunn explained the county assessor determined property values.

The City recognized there may have been an issue with the delivery of the proposed tax notices by the county auditor-treasurer and did extra notification of the TNT hearing via the city's social media pages and word of mouth. The City decided to move ahead with passing of the levy due to a concern about holding any additional meetings due to a significant spike in COVID-19 cases in the local community.

The meeting was also recorded and made available for public to view on the city website and social media pages.

The regular city council meeting was reconvened at 6:12 p.m.

Motion by Gondeck, seconded by Musachio, to adopt Resolution #2020-35 Tax Levy 2021.

Motion carried, unanimous.

At 6:13 p.m. Mayor Bettendorf closed the meeting per Minn. Stat. 13D.05 Subd. 3(c) 13D.05 – for discussion on potential land price of PID 020049300 & PID 020050000.

At 6:32 the meeting reconvened.

Motion by Gondeck, seconded by Swanson to adjourn. Motion carried, unanimous.

Meeting adjourned.

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Sarah A. Brunn, Administrator

## **2022 Foley City Council Meeting Schedule**

**All Council Meetings held @ 5:30 P.M. unless noted.**

\*Second meetings of the month held when needed as determined by Mayor/ Administrator.

January 4

\*January 18

February 8

\*Precinct Caucus is February 1 – no public meetings can occur after 6pm-meeting delayed one week.

March 1

\*March 15

April 5

\*April 19

May 3

\*May 17

June 7

\*June 21 (Foley Fun Days)

July 12

August 2

\*Primary Election Day – August 9

August 16 - **Budget Workshop**

September 6 - **Preliminary Levy Adoption**

\*September 20

October 4

\*October 18

November 1

\*General Election Day – November 8

November 15 – Council will need to meet in order to canvass election results.

December 6 – TNT Hearing for Final Budget @ 6pm

\*December 20

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

RESOLUTION 2021-27

A RESOLUTION APPROVING THE 2021 TAX LEVY, COLLECTABLE IN 2022

BE IT RESOLVED, by the City Council of the City of Foley, County of Benton, Minnesota, that the following sums of money are to be levied for the current year, collectable in 2022, upon the taxable property in the City of Foley, for the following purposes:

General Fund	\$ 1,545,990.00
Fire Department	86,500.00
Swimming Pool	50,200.00
2020 Refunding (2008 & 2011)	
Improvement Bond	252,000.00
2015 Improvement Bond	34,000.00
2018 Improvement Bond	0.00
Total Budget	\$ 1,968,690.00
Less Local Gov't Aid	844,945.00
Total Levy	\$ 1,123,745.00

The City Clerk is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Benton County, Minnesota.

Passed and adopted by unanimous vote of the Foley City Council, this 7<sup>th</sup> day of December, 2021.

\_\_\_\_\_  
Gerard L. Bettendorf, Mayor

ATTEST:

\_\_\_\_\_  
Sarah A. Brunn, Administrator

**TO:** FOLEY CITY COUNCIL  
**FROM:** SARAH BRUNN, CITY ADMINISTRATOR  
**SUBJECT:** 12-07-21 -COUNCIL MEETING  
**DATE:** DECEMBER 3, 2021

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### **Consent Agenda**

Myself and the personnel committee are recommending the hire of Stacy Graham for the full-time administrative assistant position. We'd like to start her December 15<sup>th</sup> since we have been without part-time help and we need to make sure we can meet the transition requirements for the monthly water/sewer cycle. We had 5 employees help conduct interviews and 2 rounds of interviews to make this recommendation. It is contingent upon passing the background check.

I am requesting extension of the Tri-Cap agreement for administration of our grant loan program funds. We had a couple projects that have been significantly delayed due to contractor availability. This agreement only covers the program funds in the Grant Loan Fund – money specifically designated for the purpose of commercial and residential rehab.

The council is being requested to approve easements on 3 parcels on the south side of the industrial park. This is old railroad property we own and wish to designate to be treated as road right-of-way to ensure we have unrestricted access to our new wastewater lift station. We also want to be sure to preserve our right to further improve this access area.

### **Public Hearing – Land Use Plan**

The council should consider adoption of the land use plan after any comments are received from the public hearing. If anyone submits comments to us prior to the meeting I'll be sure to pass them along.

### **Joint Planning Board – Triple E Secure Storage Annexation Request**

Adopting the provided resolution will officially approve the annexation of 2 lots into the city limits. Per the agreement, we will now also issue tax payment to the township which is on the bills list. The plat has been signed and in the process of being recorded and final permits have been issued for the construction of the storage units.

### **Fire Relief Pension Increase**

The fire relief will be at the meeting to request an increase in the annual pension benefit from \$4100 to \$4500 per year. A copy of the financial projections is included in your packet. The council must approve this raise because we are required to cover in the instance the fund would ever be short. I have reached out to the relief board for a bit more information on market projections just be certain any significant market changes are covered. I also have requested them to consider covering the costs of the relief audit in full moving forward. I have concerns about the City covering administrative expenses of the fire relief when they are to be their own, separate entity. The relief has paid a portion of the audit expenses back to us a couple times after I've raised concerns. We can discuss more at the meeting on Tuesday prior to council's adoption.

### **Security Locksmith Proposal**

Staff has obtained a proposal to install an access card control system. We have a couple of items that we need to address. First, we had a need to replace the old police door by the garage after the corrections were made in front of their garage. The door was very old and needs replacing anyways but we need to decide what kind of lock system to put on it – key code vs. card. We've also been continually having trouble with locks throughout the building – simply because they are old and in need of replacement. Public Works has been greasing and fixing for a few years now, but it's time to start replacing. Lastly, we have had turnover in the police department and a growing concern about using key codes. They either need to be constantly changed or we run the risk of a non-employees accessing the building. Therefore, we received a quote to put the building on a web-based card system and replace the specified doors with new locks and card key access. We can pull funds from our operating budgets in the general fund and police to cover the initial expense. Moving forward would be an annual fee. Staff can discuss further with the council at the meeting.

### **Update on Vac Truck**

Mark Pappenfus asked me to provide you the information you approved at a prior meeting regarding the vac truck. It appears the truck is finally becoming available. He will update you at the meeting.

### **Council Meeting Calendar**

I have provided a council meeting calendar in your packet. Please let me know if you have any questions or concerns on the proposed schedule.

### **TNT Hearing – 2022 Budget**

Besides valuation changes we have not had many comments regarding the proposed levy. Staff has prepared moving forward with the same numbers and levy amounts. The council should adopt this after the public hearing. If the council would like to discuss any other items related to the budget, please contact me prior to the meeting so I can be sure to have the proper information available.

### **Upcoming Reminders:**

**December 7, 2021** – Joint Planning Board Meeting – 6:45pm (Gilmanton Township Hall)

**December 23, 2021** – City Hall Closes @ 11:30am

**December 24, 2021** – City Hall Closed – Holiday

**December 31, 2021** – City Hall Close – Holiday