



**City Council – Meeting Agenda  
January 4, 2022 – 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 December 7, 2021.
  - Approve minutes of December 16, 2021.
  - Accept resignation of Josh Lindgren, police officer.
  - Approve Alex Skluzacek for full-time police officer position.
  - Adopt Resolution #2022-01 Approving polling place.
  - Adopt Resolution #2022-03 Accepting Donation.
  - Approve updated Use of Force policy as required by POST Board.
  - Approve payment of bills.
5. Public Hearing – Vacation of City Right-of-Way
  - Adopt Resolution #2022-02 Vacating City Right-of-Way
6. 2022 Annual Appointments – Discuss and Approve.
7. Mayor’s Comments & Open Forum
8. Department Reports:
  - Police Department –Katie McMillin
  - City Engineer – Jarod Griffith
  - Public Works/Fire – Mark Pappenfus
  - Administration – Sarah Brunn
9. Old Business
  - Update on wastewater project.
10. New Business
11. Closed Session – Annual Performance Review of City Administrator
12. Adjourn

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

The Foley City Council held its regular meeting on December 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 Swanson, seconded by Gondeck, to approve the agenda.

Motion carried unanimously.

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

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.

Motion carried, unanimous.

**Public Hearing – Final Land Use Plan**

Mayor Bettendorf recessed the regular council meeting at 5:32 p.m. and invited the public to speak.

Debra Olson, 600 Dewey Street, addressed the council stating that the Land Use Plan addressed the problem, but she didn't see how it had a proposed solution or plan to execute. She also expressed concern over other issues in Foley (e.g. parking) that haven't been addressed.

Carl Fischer, 809 Penn Street, addressed the council and expressed concern that according to the plan his address would be rezoned as commercial. He asked if the rezoning was imminent or farther down the road. He had sent a letter to the council earlier in the day that outlined his concerns.

At 6:38 p.m. Bettendorf reconvened the regular council meeting.

City Administrator Sarah Brunn confirmed that the council had received a copy of Fischer's email. She also explained that the Land Use Plan simply identifies opportunities over the next 20 years or so. Rezoning would only occur if requested. There are no plans to rezone the property at this time. The Land Use Plan gives a broad overview of trends of what could happen.

Motion by Swanson, seconded by Gondeck, to adopt the Land Use Plan.

Discussion followed with Musachio asking about plans for a piece of city owned property by the creek and expressed an interest in developing it for parks or trails.

Brunn explained that would fall under the pedestrian plan. Discussion followed.

Motion carried, unanimous.

### **Foley Fire Relief**

Bryan Moshier, Treasurer for the Fire Relief Fund, addressed the council and requested an increase to the annual firefighter pension contribution. Looking at the third quarter numbers they proposed a \$400 raise per year of service. With the proposed raise, the fund would still operate with a \$27,000 surplus.

Questions and discussion followed. Bettendorf didn't see any problem with the raise, but expressed he would like the fire department to hire and pay for their own audit services. It's not a good idea for the city to be involved with the Fire Relief Association audit.

Brunn addressed the council explaining she'd spoken with Moshier earlier in the day and another member of the board regarding the city's concerns. The City shouldn't be involved with the administrative costs of a separate entity. The Relief Fund should stay separate from the city's funds. She said she agreed with the mayor that the proposed increase was acceptable.

Swanson and Gondeck also expressed agreement with the increase and the request to not have the city covering administrative costs of the relief fund. Moshier explained to the council that he would need to go back to the membership about taking on the financial responsibilities for the audit. Discussion followed.

Motion by Gondeck to approve the \$400 per year of service raise in the fund.

Moshier expressed concern that the cost of the audit might result in a pay cut for the firefighters. Discussion followed.

Brunn stated her biggest concern is having the city cover those administrative expenses (audit fees). It's an operating cost of a fund that is to remain completely separate from the City and as recommended by the state auditor should be self-sufficient. The city needs to have clear boundaries and separation. Discussion followed.

Motion seconded by Musachio.

Motion approved, unanimous.

Bettendorf stated that after the fire department has its meeting regarding the relief fund audit we can continue to discuss any concerns they might have about taking over the costs of the audit.

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

No one from the public spoke.

### **Department Reports**

## **Police Department**

Chief Katie McMillin addressed the council and gave an overview of the monthly stat report. The department received 292 calls in November: 20 parking tickets were issued, harassment and theft calls were down. In November 2020, there were 265 calls overall. McMillin also shared with the council that the department was partnering with Benton County Sheriff for Cocoa With A Cop on Dec. 13 from 3 p.m. – 4 p.m. at the Elementary School.

## **City Engineer**

Jarod Griffith addressed the council regarding some staffing changes. Jon Halter is leaving SEH. Griffith assured the council SEH would continue to provide the same level of service to the city. He also gave an update on the Hwy 23 project. MN Dot and city staff were clearing some trees in preparation for the project. He also gave an update on the industrial park, directing the council to their packets showing the wetlands delineation. It is a larger wetland than anticipated and they are looking at some options that could move the delineation area from the middle of the property. He would update the council in a few months.

Brunn shared with the council that city staff met with the county to get as much information as possible so we know what to expect, what our options are, and how we want to move forward. It will take a couple months to get all the information together.

Questions and discussion followed from the council.

## **Public Works and Fire Department**

Mark Pappenfus gave an overview of moving city hall from a key system to electronic card access. He explained the fire department has a basic card access system at the fire hall that works very well. He recommended implementing a system for city hall administrative offices and the Police Department.

Brunn expressed that it would provide additional security. Money would be pulled from the police and general fund. Discussion followed.

Motion by Musachio, seconded by Gondeck, to approve the quote for the electronic key card system.

Motion carried, unanimous.

Pappenfus also updated the council on the vac truck purchase (follow up from 2020 discussions). He will be able to look at the truck very soon and expects to be able to make a decision quickly. We would like to continue with the purchase of this truck and will bring an update in January. He asked the council for approval to begin the process of selling the old vac truck on IRAY, putting it up for auction on Jan. 12. Discussion followed.

Brunn stated that the council would be asked for a formal motion at some point to approve the disposal of the old truck and purchase of the new.

Pappenfus also shared with council the new salt shed is now full. It is not yet cold enough to start prepping the ice skating rinks. He also update the council on a few fire department items. The contract meeting with the townships is Dec. 16 at the fire hall. An agenda will be sent out at the end of the week. The Santa Fire Truck parade will be Dec. 22.

### **Administration**

Brunn reported to the council that the annual appointments announcement was posted on social media and would also appear in the Benton County News. The city is always looking for people to participate on boards and commissions. She also requested her annual review be done after the January council meeting. The 2022 council meeting was also set and in the council packet. No questions from the council.

### **Old Business**

Brunn gave a brief overview on the status of the wastewater project. There is an item from the Joint Planning Board regarding setbacks from the force main easement. Brunn will be able to report on that for the next meeting. The project is still in the public comment period. Staff still anticipates being able to open for bidding by early next year. Questions and discussion.

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

Bettendorf recessed the regular city council meeting at 6:22 p.m. for the public hearing on the proposed 2022 budget. No one spoke. The regular city council meeting was reconvened at 6:23 p.m.

Bettendorf asked for a motion to adopt the 2022 Tax Levy. There was no change from the preliminary tax levy.

Judy Weis, 340 2<sup>nd</sup> Avenue, addressed the council saying she'd gotten a tax statement from Benton County, but had not received all of her parcel notices yet. Brunn advised her to reach out to the county as the county is responsible for those notices.

Motion by Gondeck, seconded by Musachio, to adopt the 2022 Tax Levy.

Motion carried, unanimous.

Bettendorf asked for a motion to adjourn.

Swanson asked about the Sauer property on Dewey Street and if there was anyone living there. Brunn explained to the council that staff has had multiple contacts with the owner and the tenant regarding violations to the city ordinances.

Motion by Gondeck, seconded by Swanson to adjourn.

Motion carried, unanimous.

Meeting adjourned at 6:25 p.m.

---

Sarah A. Brunn, Administrator

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

CITY OF FOLEY, MINNESOTA  
CITY COUNCIL MEETING – December 16, 2021

The Foley City Council held a special council meeting on December 16, 2021 at 7:00 p.m. at the Foley Fire Department.

Members Present: Mayor Gerard Bettendorf, Council members Jeff Gondeck, Gary Swanson, and Jack Brosh.

Members Absent: Rosalie Musachio

Others Present: Gilman Township, St. George Township, Mayhew Lake Township, Fire Chief Mark Pappenfus, Assistant Fire Chief Larry Nadeau, City Administrator Sarah Brunn, Administrative Assistant Monica Shaw.

The pledge of allegiance was recited.

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

**Discussion on Fire Department Operations and Proposed Fire Contracts**

Fire Chief Mark Pappenfus updated the attendees on recent fire purchases, call volumes, grant awards and other fire related items. Assistant Chief Larry Nadeau provided updates on the training program and also issues with recruiting and retention of firefighters.

City Administrator Sarah Brunn overviewed the information mailed out to all contract holders. An updated market value with estimated contract rate was provided, these are not exact figures as the county doesn't finalize market values until early next year. There was discussion on what is anticipated for future market values and fire contract rates. There was also discussion on the budget and capital improvement plan for the department, which Brunn provided to those in attendance at the meeting.

Much discussion was had regarding the billing procedures, medical calls for non-township residents and also the liability clause in Article II (C). Brunn indicated the need to discuss Article II (C) with the city attorney and follow-up with those in attendance if it can be removed.

The council discussed next steps. Brunn recommended staff follow-up on the liability question before council considers approving. The council can address the contract at their January meeting.

Motion by Gondeck, seconded by Swanson, to adjourn.

Motion carried, unanimous.



---

Sarah A. Brunn, Administrator



# Foley Police Department

Katie McMillin  
Chief of Police  
Foley Police Department

Chief McMillin,

Please accept this letter as notice of my resignation from my position as a Police Officer for the City of Foley. Per our previous conversations, my last date of employment with the Foley Police Department will be December 27, 2021.

I have received and accepted an offer from the Benton County Sheriff's Office to serve as a full-time Deputy Sheriff. After careful consideration I have decided that this opportunity is in the best interest of my career goals and objectives and is too beneficial for me to pass up.

My time with the Foley Police Department over approximately the past seven years as a part-time Officer, full-time Officer, and Interim Chief of Police has provided me with a tremendous amount of experience and enabled me to become the Police Officer that I am today. I consider myself truly fortunate to have been a part of this organization. It has been an honor and a privilege to have served the citizens of Foley during this time. I look forward to our continued relationship and continuing to serve the City of Foley in my new position with the Benton County Sheriff's Office. I wish nothing but continued success for this department in the future.

I would like to thank you, my partners, and all City of Foley personnel for the opportunity to have been a part of this organization. I would also like to thank our City Council for their continued support. If possible, I would like to help with this transition so that the department continues to operate smoothly after my departure. Please let me know what I can do to assist in order to make this transition as smooth as possible.

Once again, thank you for the opportunity, the memories, and the friendships that this organization has provided me during my time here.

Respectfully,



Joshua B. Lindgren

251 4th Ave. North Foley, MN 56329  
Office (320) 968-0800 Fax (320) 968-0801

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

RESOLUTION 2022-01

A RESOLUTION RE-ESTABLISHING THE POLLING PRECINCT AND PRECINCT  
LOCATION FOR THE CITY OF FOLEY

**WHEREAS, THE CITY COUNCIL OF THE CITY OF FOLEY, MINNESOTA**  
("Council" and "City"), pursuant to Minnesota Statute §204B.14, is required to establish or re-establish the boundaries of the election precincts within the municipality following the redistricting of the Legislature; and,

**WHEREAS,** the Legislature of the State of Minnesota has been redistricted; and,

**WHEREAS,** precinct boundaries must be re-established within 60 days of the time when the Legislature has been redistricted or at least 19 weeks before the State Primary, whichever comes first.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF FOLEY,** that the following precinct and polling location is hereby re-established as:

Foley City Hall  
251 4<sup>th</sup> Ave. N  
Foley, MN 56329

**Adopted this 4<sup>th</sup> day of January, 2021**

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

ATTEST:

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



CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

RESOLUTION 2022-03

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, Bernadette Stangler, the First Presbyterian Church, and East Central Energy have offered to donate funds for fire 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 Bernadette Stangler, the First Presbyterian Church, and East Central Energy for their generous donations.

PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota, this 4th day of January 2022.

---

Gerard L. Bettendorf, Mayor

ATTEST:

---

Sarah A. Brunn, City Administrator

**USE OF FORCE AND DEADLY FORCE MODEL POLICY**  
**MN STAT 626.8452**

**1) PURPOSE**

It is the policy of the (law enforcement agency) to provide officers with guidelines for the use of force and deadly force in accordance with:

MN STAT 626.8452 DEADLY FORCE AND FIREARMS USE;  
POLICIES AND INSTRUCTION REQUIRED;  
MN STAT 626.8475 DUTY TO INTERCEDE AND REPORT;  
MN STAT 609.06 AUTHORIZED USE OF FORCE;  
MN STAT 609.065 JUSTIFIABLE TAKING OF LIFE; and  
MN STAT 609.066 AUTHORIZED USE OF FORCE BY PEACE OFFICERS.

**2) POLICY**

It is the policy of this law enforcement agency to ensure officers respect the sanctity of human life when making decisions regarding use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Officers shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the officer.

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Officers should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers.

The decision by an officer to use force or deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using such force.

This policy is to be reviewed annually and any questions or concerns should be addressed to the immediate supervisor for clarification.

This policy applies to all licensed peace officers and part-time peace officers engaged in the discharge of official duties.

Section (4) Procedure, paragraphs (g.1-2), are effective March 1, 2021 and thereafter.

### 3) DEFINITIONS

- a) **Bodily Harm:** Physical pain or injury.
- b) **Great Bodily Harm:** Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.
- c) **Deadly Force:** Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.
- d) **De-Escalation:** Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
- e) **Other Than Deadly Force:** Force used by an officer that does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.
- f) **Choke Hold:** A method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.
- g) **Authorized Device:** A device an officer has received permission from the agency to carry and use in the discharge of that officer's duties, and for which the officer has:
  - a. obtained training in the technical, mechanical and physical aspects of the device; and
  - b. developed a knowledge and understanding of the law, rules and regulations regarding the use of such a device.

### 4) PROCEDURE

#### a) General Provisions

1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used.
3. Once the scene is safe and as soon as practical, an officer shall provide

appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.

4. All uses of force shall be documented and investigated pursuant to this agency's policies.

**b) Duty to Intercede**

Regardless of tenure or rank, an officer must intercede when:

- a. present and observing another officer using force in violation of section 609.066, subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and
- b. physically or verbally able to do so

**c) Duty to Report**

An officer who observes another officer use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting officer.

**d) De-escalation:**

1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training whenever possible and appropriate before resorting to force and to reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of another or the officer and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

**e) Use of Other Than Deadly Force**

1. When de-escalation techniques are not effective or appropriate, an officer may consider the use of other than deadly force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved other than deadly force techniques and issued equipment in the following circumstances:
  - a. effecting a lawful arrest; or
  - b. the execution of legal process; or
  - c. enforcing an order of the court; or
  - d. executing any other duty imposed upon the public officer by law; or
  - e. defense of self or another.

**f) Use of Certain Types of Force**

1. Except in cases where deadly force is authorized as articulated in MN STAT.

609.066 to protect the peace officer or another from death or great bodily harm, officers are prohibited from using:

- a. Chokeholds,
  - b. Tying all of a person's limbs together behind a person's back to render the person immobile, or;
  - c. Securing a person in any way that results in transporting the person face down in a vehicle.
2. Less than lethal measures must be considered by the officer prior to applying these measures.

**g) Use of Deadly Force**

1. An officer is authorized to use deadly force if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary. Use of deadly force is justified when one or both of the following apply;
  - a. To protect the peace officer or another from death or great bodily harm, provided that the threat:
    - i. can be articulated with specificity;
    - ii. is reasonably likely to occur absent action by the law enforcement officer; and
    - iii. must be addressed through the use of deadly force without unreasonable delay; or
  - b. To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in paragraph (a), items (i) to (iii), unless immediately apprehended.
2. An officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (1a), items (i) to (iii).
3. Where feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.
4. In cases where deadly force is authorized, less than lethal measures must be considered first by the officer.

**h) Training**

1. All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.
2. In addition, training shall be provided on a regular and periodic basis and designed to
  - a. Provide techniques for the use of and reinforce the importance of de-escalation
  - b. Simulate actual shooting situations and conditions; and
  - c. Enhance officers' discretion and judgement in using other than deadly force in accordance with this policy.
3. Before being authorized to carry a firearm all officers shall receive training and instruction with regard to the proper use of deadly force and to the agency's policies and State statutes with regard to such force. Such training and instruction shall continue on an annual basis.
4. Before carrying an authorized device all officers shall receive training and instruction in the use of the device including training as it relates to its use in deadly force and/or other than deadly force situations. Such training and instruction shall continue on an annual basis.
5. Officers will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the public or the officer requiring the use of a device or object that has not been authorized to counter such a threat.
6. With agency approval officers may modify, alter or cause to be altered an authorized device in their possession or control.

**i) Recordkeeping Requirements**

The chief law enforcement officer shall maintain records of the agency's compliance with use of force training requirements.

# Bills List - January 4th, 2022

Gross Salaries	Payroll - 12/17/21	\$	30,242.78
EFTPS	Federal Withholding	\$	5,484.24
MN Dept of Revenue	State Withholding	\$	1,070.40
State Treas. PERA	PERA	\$	6,025.02
Nationwide	Deferred Comp	\$	895.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	55.00
Further	HSA Contribution	\$	600.00
Gross Salaries	Payroll - 12/31/21	\$	30,815.42
EFTPS	Federal Withholding	\$	5,780.68
MN Dept of Revenue	State Withholding	\$	1,104.69
State Treas. PERA	PERA	\$	6,005.39
Nationwide	Deferred Comp	\$	895.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	55.00
Further	HSA Contribution	\$	600.00
LELS	Police Union Dues	\$	190.50
Gross Salaries - SUPPLEMENTAL	Payroll - 12/31/21	\$	6,297.46
EFTPS	Federal Withholding	\$	1,326.39
MN Dept of Revenue	State Withholding	\$	348.26
State Treas. PERA	PERA	\$	1,146.92

## Already Paid - 1/4/2022

ABM Equipment	Vac-Truck repair	\$	402.04
Alex Air Apparatus, Inc	PW Portable Scene Light	\$	569.99
Auto Value	9903, 602, Fire, Liftstation Maint	\$	687.47
Benton County Abstract	Utility Easement Recording	\$	46.00
Benton County Attorney	November 2021 Legal fees	\$	154.00
Benton County Highway Department	PD Fuel	\$	895.43
Benton Trophy & Awards	Street Equipment Labels	\$	90.00
Central McGowan	PD Medical Equipment	\$	57.20
Cintas	Uniforms	\$	135.24
Core Professional Services PA	PD Pre-Employment Eval	\$	250.00
DTM Fleet Service	FD Equipment	\$	1,182.80
Ferguson Ent	Water Repairs & Maintenance	\$	3,635.17
First National Bank of Omaha	Dec 2021 Credit Card Purchases	\$	283.57
Foley Collision Center	PW Vehicle Repairs	\$	646.90
Foley Hardware	Public Works Repairs	\$	279.57
Further	December 2021 HSA contribution & Admin fee	\$	380.35
Grand Champion Meats	Office Supplies	\$	720.00
Harper Brooms	Brooms	\$	269.40
Hawkins	Water Repairs & Maintenance	\$	2,049.41
Helmin Construction	Street Class 5 Fill and Sand	\$	2,729.54
JM Truck and Tractor Repair	PW & FD Vehicle Maintenance and Repair	\$	9,451.00
K M Fire Pump Specialists	FD Vehicle Repair & Maintenance	\$	1,629.00
Kloss, Shawn	Utility Billing Refund	\$	17.11
LaserLabs	PD Enforcer Meter	\$	170.00
League of MN Cities	Staff Training	\$	45.00
Marco	Council Chambers Maint & Copier Lease	\$	424.17
Midstate Sales	FD Unit # 8 Brakes	\$	193.26
MN Department of Revenue	Nov 30, 2021 Sales & Use Tax	\$	1,690.00
MN State Fire Chiefs Assoc	FD Training - Foreman FOTOS	\$	235.00
MN State Retirement System	Josh Lindgren Severance	\$	7,180.49
Molitor Excavating Inc	Water Leak Repair - 601 4th Ave N	\$	2,320.00
Napa Auto Parts	PD security	\$	137.94
National Business Furniture, LLC	Office Furniture	\$	2,467.20
Newman, Steven & Natalie	Utility Billing Refund	\$	31.66

Niel Meierhofer	FEMA Equipment Grant Application 2021	\$	500.00
Phone Guys, Inc.	New Phone Line Setup	\$	230.00
Quality Meats	Office Supplies	\$	373.80
Quest Diagnostic	PD Pre-Employment Eval	\$	45.50
Rinke Noonan	Herbt, WW, Winery, Union, General Legal	\$	1,642.50
Riteway	Office Publications - 1099 & W-2	\$	198.00
RMB	FD & Sewer Testing	\$	219.00
Rosenbauer Motors	FD Vehicle Maint	\$	117.87
Security Locksmith, Inc	PW Shop Door Locks	\$	220.00
Shift Technologies, Inc	PD and Office-Laserfiche, Server, phones, software	\$	6,334.63
Short Elliott Hendrickson, Inc	Hwy 23 Utilities & Pouchtec Engineering	\$	938.50
Staples	Office Supplies	\$	123.26
Streicher's	PD Uniform	\$	809.96
Titan Machinery	Snow Plow Equip Maint	\$	84.34
Tritech Technology	PD LETG Software Maint	\$	4,834.59
Verizon	Cell Phone	\$	301.18
Watch Guard	PD Maintenance	\$	152.00
Xcel Energy	Utilities	\$	7,513.56
Ziegler Cat	Snow Plow Equip Maint	\$	74.09
Zoll Medical Corp	FD - AED plus	\$	3,377.14

***To Be Paid - 1/4/2022***

Benton County Historical Society	2022 Annual Contribution	\$	750.00
Benton Economic Partnership	2022 Membership - Already approved in Dec, is a 2022 exp	\$	2,650.00
C N A Surety	Bond Insurance	\$	100.00
Delta Dental	Employee Dental Insurance	\$	1,092.15
Ehlers	2015A Bond Payment & Interest	\$	75,950.00
ESO Solutions	FD Training and Membership	\$	254.62
Falcon National Bank	2020A Bond Payment & Interst	\$	409,265.00
Foley Area Chamber of Commerce	2022 Membership Dues and Business Expo Booth	\$	315.00
Highway 23 Coalition	2022 Membership Dues	\$	1,500.00
Initiative Foundation	2022 Annual Contribution	\$	600.00
Lake Region Firefighters Assoc	2022 Lake Region Dues	\$	40.00
Midco	Phone and Internet	\$	716.17
MN State Fire Department Assoc	2022 FD Membership	\$	290.00
Postmaster	Utility Billing Postage	\$	1,500.00
Resource Training and Sol	2022 Membership Dues	\$	105.00
Sun Life Assurance Company	Employee LTD	\$	208.02
USable Life	Employee Life Insurance	\$	239.50
Volunteer Firefighters Benefit Assoc	Firefighter Membership	\$	220.00
		<b>\$</b>	<b>664,279.44</b>





# City of Foley

251 4th Avenue North • P.O. Box 709  
Foley, Minnesota 56329  
(320) 968-7260 • Fax (320) 968-6325  
[www.ci.foley.mn.us](http://www.ci.foley.mn.us) • Email: [contactus@ci.foley.mn.us](mailto:contactus@ci.foley.mn.us)

December 16, 2021

To Whom It May Concern:

This notice is in regard to the City considering vacation of right-of-way located on/near the property of 621 Norman Avenue N. The City Council of Foley, Minnesota gives notice that it will hold a public hearing on January 4, 2022 at 5:30pm or soon after that as can be heard, at the City Hall, 251 4<sup>th</sup> Avenue N, Foley, to discuss the vacation of right-of-way as legally described below:

*The South 55 feet of the North 647.9 feet of the West 150 feet of the East 183 feet of the Northeast Quarter of the Southwest Quarter (NE ¼ of SW ¼) of Section Twenty-six (26), Township Thirty-seven (37), Range Twenty-nine (29), being within the limits of the Village of Foley.*

And

*That part of the NE ¼ of the SW ¼ of Section 26, Township 37, Range 29, described as follows:*

*The West 117 feet of the East 300 feet of the South 55 feet of the North 647.9 feet of the Northeast Quarter of the Southwest Quarter (NE ¼ of SW ¼), of Section Twenty-six (26), Township Thirty-seven (37), Range Twenty-nine (29), Benton County, Minnesota.*

You are receiving this notice because you are a nearby property owner, utility or other entity possibly affected by the vacation. If you have any questions or concerns about this vacation, please contact the Foley City Hall at 320-968-7260 or City Administrator Sarah Brunn via email at [sbrunn@ci.foley.mn.us](mailto:sbrunn@ci.foley.mn.us). Due to the pandemic, city staff is also able to relay comments, either verbal or written to the council members at this hearing. Anyone wishing to appear with reference to this matter will also be heard at this meeting. Thank you for your time.

Sincerely,

Sarah A. Brunn  
City Administrator

*Welcoming You . . . Welcoming the Future*

PUBLIC HEARING NOTICE OF CITY RIGHT-OF-WAY VACATION

The City Council of Foley, Minnesota, gives notice that it will hold a public hearing on January 4, 2022 at 5:30 p.m., or as soon after, at the City Hall, 251 4<sup>th</sup> Avenue N, Foley, to discuss the vacation of right-of-way of that tract of land in Benton County, Minnesota described as follows:

The South 55 feet of the North 647.9 feet of the West 150 feet of the East 183 feet of the Northeast Quarter of the Southwest Quarter (NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ ) of Section Twenty-six (26), Township Thirty-seven (37), Range Twenty-nine (29), being within the limits of the Village of Foley.

And

That part of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 26, Township 37, Range 29, described as follows:

The West 117 feet of the East 300 feet of the South 55 feet of the North 647.9 feet of the Northeast Quarter of the Southwest Quarter (NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ ), of Section Twenty-six (26), Township Thirty-seven (37), Range Twenty-nine (29), Benton County, Minnesota.

Anyone wishing to speak on this matter will be heard at this meeting.

Sarah A. Brunn  
City Administrator

proposed  
variation

**130004100**

Alley-Street  
per Deed

NORMAN AVENUE

Mn/DOT

**130004016**

**130004010**

Tract 2

**130004015**

13

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

RESOLUTION 2022-02

A RESOLUTION TO VACATE RIGHT-OF-WAY

**WHEREAS**, the City of Foley (“Owner”) owns the property (the “Property”), legally described in **Exhibit A**;

**WHEREAS**, the property was actually deeded with an incorrect legal description initially and is a part of another private property;

**WHEREAS**, the right-of-way is not currently improved; and

**WHEREAS**, the property is currently designated for a road which has been determined an unlikely improvement the City would make;

**WHEREAS**, the City desires to vacate the right-of-way;

**WHEREAS**, due and proper published and posted notice of public hearing has been given by the City as required by law; and

**WHEREAS**, after a public hearing held on this date, the City Council finds that it is in the public interest to vacate the right-of-way hereinafter described.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City of Foley, Minnesota, as follows:

1. The City’s right-of way is hereby vacated.
2. The Mayor and the City Clerk are hereby authorized and directed to execute and record this Resolution with the Benton County Recorder.

This Resolution is adopted on this 4<sup>th</sup> day of January, 2022

CITY OF FOLEY, MINNESOTA

By \_\_\_\_\_  
Gerard Bettendorf, Mayor

ATTEST:

\_\_\_\_\_  
Sarah Brunn, City Administrator

STATE OF MINNESOTA     )  
  ) ss  
COUNTY OF BENTON     )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2022, by Gerard L. Bettendorf, as the Mayor of the City of Foley, Minnesota, a municipal corporation under the laws of the State of Minnesota.

\_\_\_\_\_  
Notary Public

STATE OF MINNESOTA     )  
  ) ss  
COUNTY OF BENTON     )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2022, by Sarah A. Brunn, as the City Administrator of the City of Foley, Minnesota, a municipal corporation under the laws of the State of Minnesota.

\_\_\_\_\_  
Notary Public

**EXHIBIT A**

**(Description of Vacation)**

*The South 55 feet of the North 647.9 feet of the West 150 feet of the East 183 feet of the Northeast Quarter of the Southwest Quarter (NE ¼ of SW ¼) of Section Twenty-six (26), Township Thirty-seven (37), Range Twenty-nine (29), being within the limits of the Village of Foley.*

*And*

*That part of the NE ¼ of the SW ¼ of Section 26, Township 37, Range 29, described as follows:*

*The West 117 feet of the East 300 feet of the South 55 feet of the North 647.9 feet of the Northeast Quarter of the Southwest Quarter (NE ¼ of SW ¼), of Section Twenty-six (26), Township Thirty-seven (37), Range Twenty-nine (29), Benton County, Minnesota.*

## Boards and Committees – Current Annual Appointments

Official Newspaper: *Benton County News*

Official Process Server: *Benton County Sheriff*

Health Officer: *Dr. Kevin Stiles*

Health Board Members: *Charlotte Monroe, Jeannie Rajkowski*

City Engineering Firm: *Short Elliott Hendrickson, Inc.*

City Attorney: *Rinke-Noonan*

City Building Inspector: *AllSpec Services*

City Auditor: *Schlenner & Wenner*

Benton Economic Partnership – City Administrator & Gerard Bettendorf (2021) – if needed

Board of Equalization: authority directed to Benton County.

Acting Mayor: *Jeff Gondeck (2021)*

Official Depository: *City Administrator* - approve the depositories for City Funds

Approve Collateral: *City Administrator* - approve the collateral for City investments

Approve bonding of the City Administrator – annual renewal

Emergency Manager: *Foley Police Chief*

### **Library Board (5 Members, 3 Year Term)**

2022 – 2024: Rosalie Musachio, VACANT POSITION

### **Planning Commission (7 – 10 Members, 3-year terms, staggered)**

2022 - 2024: Bill Bronder, Rosalie Musachio (council rep)

### **Economic Development Authority (5 Members, 4 year Term)**

2022 – 2025: OPEN POSITION – Currently only 2 community members and 1 councilmember (Gondeck).

Can add another councilmember if we get another community member.

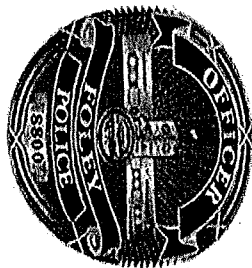
### **Personnel Committee (2)**

2022: Jeff Gondeck, Gerard Bettendorf

### **~~Housing Advisory and Appeals Board (5 Members, 3 Year Term):~~**

~~2020-2022: Gary Gruba, Bruce Latterell, Ryan Christiansen, Noel Lewandowski (meets only as needed)~~

**Staff authorized to initiate EFT receipts/payments** – Sarah Brunn, Monica Shaw, Sara Judson-Brown, Stacy Graham



# Foley Police Department

## Calls for Service - 2021

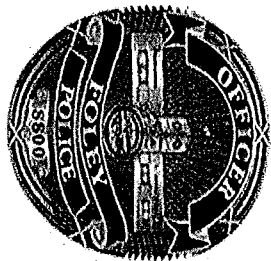
	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Driving Conduct	20	20	18	18	27	26	18	19	19	13	20	27	245
Equipment Vio.	44	34	31	13	35	16	14	11	23	20	33	33	307
Speed	19	16	32	26	65	42	47	45	31	38	26	22	409
DW/DUI	0	0	0	1	1	0	1	0	1	0	1	1	6
DAR/S/C	2	1	0	2	4	3	3	1	5	3	1	2	27
# Citations Issued	*15	*10	*10	*11	*9	*8	*8	*13	*9	*11	*3	*5	*112
Accidents	1	2	3	3	3	2	5	1	3	6	4	3	36
Hit and Run	0	0	0	0	0	1	1	0	2	0	0	0	4
Gas Drive Offs	1	4	1	1	4	1	3	3	1	3	3	6	31
Thefts	8	8	8	8	1	12	4	5	9	20	12	3	98
Controlled Substance	1	2	2	1	1	2	0	1	6	4	4	1	25
Suspicious Activity	26	21	20	20	26	30	35	21	33	28	28	0	313
Burglaries/Robbery	1	2	0	1	0	0	0	4	0	0	0	0	8
Medicals/Welfare	15	23	12	24	14	32	20	22	20	28	24	26	260
Assaults/Domestics	2	2	5	5	5	7	4	8	8	8	4	5	63
Harassment	0	2	4	8	4	5	1	1	0	1	1	3	30
CDP/Vandalism	0	1	1	1	6	3	1	0	2	3	3	0	21
Animal Complaints	6	2	5	9	6	12	8	4	8	9	6	7	82
City Ordinance	17	6	27	21	41	19	2	9	9	3	3	40	197
Parking Tickets	21	17	19	0	0	2	0	0	0	0	0	23	102
Disturbing the Peace	5	0	6	7	3	3	6	5	8	3	4	1	51
Gun Permits	4	5	6	6	3	2	0	1	2	7	1	4	41
Warrant Arrests	1	2	1	1	1	0	1	0	0	4	3	0	14
Civil	4	2	7	8	6	7	7	4	4	3	3	7	62
Lockout	2	4	5	2	3	6	4	3	4	3	3	2	41
Assist other Agencies	20	11	19	17	27	25	20	30	36	19	22	22	268
Special Events	6	0	6	6	16	12	0	0	3	4	1	2	56
Misc.	54	70	87	84	95	82	66	67	82	97	62	83	929
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	47.75 HRS
Total:	280	257	325	293	397	352	271	265	319	327	292	348	3726

KM8801

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

1433 increase from 2020





# Foley Police Department

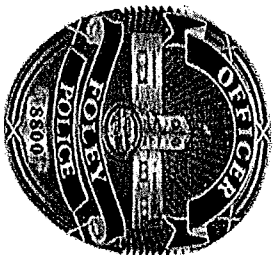
## Calls for Service - 2020

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Driving Conduct	21	16	16	7	17	25	29	20	15	21	20	24	231
Equipment Vio.	28	34	19	8	7	16	17	13	17	27	35	35	256
Speed	12	22	23	10	19	32	49	33	33	29	25	21	308
DWI/DUI	0	0	1	1	0	0	2	2	0	0	1	1	8
DAR/S/C	2	6	0	2	1	5	4	1	0	2	1	2	26
# Citations Issued	*4	*14	*6	*11	*6	*23	*17	*9	*9	*8	*8	*8	*123
Accidents	4	2	2	1	3	2	2	1	4	3	4	5	33
Hit and Run	0	1	1	1	1	0	2	0	1	1	0	3	11
Gas Drive Offs	3	2	0	1	2	2	4	0	0	2	2	1	19
Thefts	7	6	2	7	6	5	7	5	13	4	5	9	76
Controlled Substance	0	1	1	0	0	0	2	4	1	1	0	0	10
Suspicious Activity	15	21	23	28	25	26	24	22	33	25	25	17	284
Burglaries/Robbery	1	1	1	0	0	0	0	0	1	0	0	0	4
Medicals/Welfare	26	21	18	29	19	18	20	18	20	17	18	25	249
Assaults/Domestics	6	4	4	8	9	3	2	6	5	0	4	4	55
Harassment	3	2	3	1	3	9	4	8	4	0	1	1	39
CDP/Vandalism	3	0	0	3	4	1	5	2	1	2	0	0	21
Animal Complaints	2	3	5	7	7	12	6	2	7	8	4	3	66
City Ordinance	5	4	4	6	31	35	38	22	13	12	7	25	202
Parking Tickets	23	18	1	0	0	0	0	0	0	0	25	26	93
Disturbing the Peace	4	4	3	7	8	9	12	4	5	9	4	4	73
Gun Permits	3	4	4	3	3	7	4	8	8	3	1	4	52
Warrant Arrests	2	1	1	0	0	0	0	0	0	1	1	0	6
Civil	5	4	4	5	5	4	4	2	6	1	2	6	48
Lockout	2	3	4	3	5	4	4	3	2	5	1	1	37
Assist other Agencies	18	27	14	17	12	16	21	21	25	25	15	13	224
Special Events	2	5	7	12	16	9	12	6	2	3	6	1	81
Misc.	58	65	71	56	64	63	68	63	81	73	58	61	781
TZD Hours	0 Hours	6 Hours	6 Hours	0 Hours	0 Hours	5 Hours	17.5 HRS	7 Hours	5 Hours	0 Hours	5 Hours	0 hours	51.5 HRS
Total:	255	277	232	223	267	303	342	266	297	274	265	292	3293

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

KM8801

199 increase from 2019



# Foley Police Department

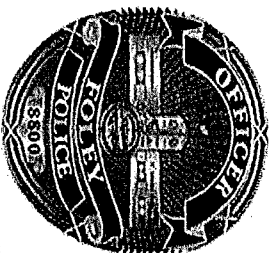
## Calls for Service - 2019

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Driving Conduct	8	10	17	11	16	13	16	9	25	9	18	14	166
Equipment Vio.	19	6	39	25	20	15	10	9	33	26	26	23	251
Speed	14	8	30	30	24	17	31	16	30	22	26	13	261
DWI/DUI	2	3	1	1	2	0	1	0	4	0	1	3	18
DAR/S/C	0	0	2	3	3	1	3	0	3	2	0	2	19
# Citations Issued	*4	*4	*9	*9	*5	*10	*7	*3	*8	*10	*7	*6	*82
Accidents	5	7	1	0	2	0	2	2	5	5	1	10	40
Hit and Run	2	0	0	0	1	0	0	1	0	0	1	2	7
Gas Drive Offs	0	1	2	0	2	3	0	2	3	4	2	3	22
Thefts	3	6	10	9	9	5	6	18	9	7	5	6	93
Controlled Substance	2	3	0	0	1	1	6	1	1	0	0	1	16
Suspicious Activity	20	15	22	19	24	13	23	30	28	16	19	14	243
Burglaries/Robbery	0	0	1	2	2	0	3	2	2	0	0	0	12
Medicals/Welfare	30	17	19	17	14	25	14	13	23	16	19	13	220
Assaults/Domestics	5	7	5	13	8	7	4	10	6	5	6	7	83
Harassment	5	7	3	2	3	6	2	4	3	2	0	6	43
CDP/Vandalism	0	1	1	3	0	2	3	3	6	1	4	1	25
Animal Complaints	10	3	5	7	10	8	10	12	8	7	3	5	88
City Ordinance	2	1	5	8	14	18	11	10	4	12	9	33	127
Parking Tickets	39	28	48	0	0	1	0	0	0	0	20	24	160
Disturbing the Peace	3	4	3	10	6	10	9	9	7	4	1	3	69
Gun Permits	1	1	3	0	5	3	0	1	0	3	3	3	23
Warrant Arrests	1	3	0	0	1	1	3	1	3	1	6	2	22
Civil	1	6	4	9	9	1	13	11	6	6	2	3	71
Lockout	3	2	3	4	2	1	4	2	2	3	5	0	31
Assist other Agencies	18	16	20	24	19	24	32	27	18	22	16	20	256
Special Events	1	3	1	3	1	5	1	1	5	7	2	1	31
Misc.	54	50	91	59	79	53	47	62	54	52	47	49	697
TZD Hours	0 Hours	0 Hours	13.5 Hours	4 Hours	15.75 Hrs	0 Hours	10 Hours	3.5 Hours	15 Hours	0 Hours	0 Hours	0 Hours	61.75 HRS
Total:	248	208	336	259	277	233	254	256	288	232	242	261	3094

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

KM8801

417 increase from 2018



# Foley Police Department

## Calls for Service - 2018

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Driving Conduct	6	9	11	9	13	10	10	14	15	13	11	24	145
Equipment Vio.	13	18	5	14	24	13	17	16	11	14	28	54	227
Speed	12	10	13	9	20	10	11	8	12	11	18	19	372
DWI/DUI	0	1	2	1	1	1	1	0	1	0	0	1	9
DAR/S/C	3	1	1	1	0	1	5	3	3	0	0	1	19
# Citations Issued	*9	*1	*1	*4	*7	*4	*7	*5	*6	*2	*5	*7	*58
Accidents	1	1	8	5	0	1	3	3	2	2	4	10	40
Hit and Run	2	0	0	2	0	2	0	0	2	3	0	0	11
Gas Drive Offs	5	2	0	1	1	1	5	1	2	3	0	2	51
Thefts	4	7	12	4	6	14	10	7	10	6	10	3	93
Controlled Substance	2	0	2	1	1	4	5	4	1	2	1	1	24
Suspicious Activity	16	4	10	13	11	7	19	23	19	12	10	15	117
Burglaries/Robbery	0	0	3	1	1	4	2	1	0	1	0	0	13
Medicals/Welfare	15	9	12	19	32	18	19	18	24	22	16	16	220
Assaults/Domestics	2	5	12	5	4	6	2	6	9	3	2	1	233
Harassment	4	2	5	3	3	6	2	2	2	3	2	2	36
CDP/Vandalism	1	1	1	1	3	1	2	3	4	6	1	0	24
Animal Complaints	4	0	5	4	8	7	10	14	8	8	1	1	60
City Ordinance	0	3	1	7	14	2	3	10	11	2	1	1	55
Parking Tickets	26	16	32	0	1	1	0	1	0	0	45	28	150
Disturbing the Peace	0	3	6	2	3	3	9	9	6	3	3	6	53
Gun Permits	2	8	1	4	1	2	3	0	2	3	2	4	32
Warrant Arrests	1	0	2	1	0	1	4	1	1	1	0	3	15
Civil	3	9	8	4	4	3	3	5	10	5	8	2	64
Lockout	3	4	3	3	5	3	4	2	4	8	6	1	46
Assist other Agencies	11	12	10	13	13	20	14	15	22	12	27	15	184
Special Events	17	19	18	3	12	3	8	1	2	4	0	1	88
Misc.	23	27	50	48	73	48	50	66	45	59	46	37	572
TZD Hours	0 Hours	0 Hours	0 Hours	0 Hours	0 Hours	0 Hours	0 Hours	0 Hours	0 Hours	0 Hours	0 Hours	15.75 HRS	15.75 HRS
Total:	176	171	233	178	254	192	221	233	228	206	242	248	2582

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



RINKE NOONAN  
*attorneys at law*

December 8, 2021

Direct Dial: 320-257-3868  
Aripple@RinkeNoonan.com

City of Foley  
Attn: Sarah Brunn  
251 Fourth Avenue North  
P.O. Box 709  
Foley, MN 56329

**Re: 2022 Legal Representation and Rates  
Our File No. 00004-0621**

Dear Sarah:

Once again, we want to thank you for allowing us the opportunity to serve you. As we look to a new year, we continue to enjoy representing our municipal clients, like the City of Foley, and assisting you in providing quality service to your constituents.

As you know, our firm remains a leader in providing municipal services to Central Minnesota communities, and the services that we provide to city clients continue to grow. Our structure allows us to focus our practice and provide to you an entire department of attorneys with special expertise representing local governments, and even more specialized expertise in specific areas of municipal law, including labor and employment, wetlands and drainage, land use, economic development, eminent domain, annexations, litigation and appeals. This diversity gives each of our governmental clients the strength of an army of legal professionals.

As we look forward to serving you, I have attached our rates for Foley in 2022. While market demands have caused us to discontinue our reduced municipal rates for general government clients, we highly value our long-standing relationship with the City of Foley and will continue to offer a rate that is significantly discounted from our ordinary rate. Depending on the attorney, the discount is 10-25% per hour lower than our ordinary rate. These rates will be applied to work beginning January 1st. I will continue to be the City's point person but we will work to bring our junior attorneys in on all appropriate files. A junior attorney's increasing involvement will allow us to utilize the lower tier of the rate schedule, which should reduce the overall rate for the City. The City should be rest assured that Rinke Noonan provides significant oversight and mentoring of all new attorneys, and we heavily scrutinize and edit billings to ensure that the City is not 'paying to teach a new lawyer.'

Suite 300 US Bank Plaza  
1015 W. St. Germain St.  
P.O. Box 1497  
St. Cloud, MN 56302  
320.251.6700

[www.rinkenoonan.com](http://www.rinkenoonan.com)

[4483666] 2022 Legal Representation and Rates - Foley  
11/30/2021 8:49 AM

December 8, 2021

Page 2

We understand the financial realities of government and we remain vigilant to keep the total costs of services in line with your expectations. We have worked with Foley over the past few years to increase the ability of City staff to perform work that may have previously been done by our office and will continue to look for those opportunities. Of course, as you are well aware, rates represent only part of the story. Our firm does not charge for the garden variety reimbursements such as postage, copies, secretary typing time, etc.

Our success and growth have been built on strong client relationships and our focus on the total cost to our clients has been at the very foundation of those relationships. Thank you, again, for your business and confidence, and we look forward to serving you another year.

Sincerely,

/s/ Adam A. Ripple

Adam A. Ripple

AAR/mjr

Enclosure

## Municipal Rate Fee Schedule 2022

Attorney 0-3 years' experience		\$200.00 per hour
Attorney 4-6 years' experience		\$255.00 per hour
Attorney 7 plus years' experience		\$365.00 per hour
Paralegal		\$180.00 per hour
Legal Tech.		\$80.00 per hour
Word Processor		No Charge

There is NO CHARGE for typist work, internal copies, faxes, long distance phone calls, or mileage. Actual out of pocket costs shall be passed through to the client.



Building a Better World  
for All of Us®

December 21, 2021

RE: City of Foley, Minnesota  
Engineering Services  
SEH No. FOLEY GEN 14.00

Honorable Mayor and Council Members  
c/o Sarah Brunn, City Administrator  
City of Foley  
251 4th Avenue North, PO Box 709  
Foley, MN 56329-0709

Dear Mayor and Council Members:

Enclosed is our proposed Hourly Rate Schedule for Engineering Services effective January 1, 2022. The proposed rates represent an average 2.14% increase of the 2021 rates.

Thank you for the work, confidence, and trust you have given our firm over this last year. We sincerely appreciate the longstanding relationship we have with Foley, and hope you find the enclosed rates acceptable.

I am available to discuss the rate schedule or any other issue at your convenience. You can reach me at 218.849.0539.

Sincerely,

Jarod Griffith, PE  
City Engineer  
(Lic. MN)

jrg  
Enclosure

c: Mark Pappenfus, City of Foley  
Scott Hedlund, SEH  
Karen Thull, SEH

p:\fj\foley\common\agreement\rate table\2022\2021.12.03 l city 2022 rates.docx

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., P.O. Box 1717, St. Cloud, MN 56302-1717

320.229.4300 | 800.572.0617 | 888.908.8166 fax

SEH is 100% employee-owned | Affirmative Action–Equal Opportunity Employer

# SHORT ELLIOTT HENDRICKSON, INC.

## St. Cloud Office Hourly Rate Schedule for Engineering Services City of Foley

Effective January 1, 2022 – December 31, 2022

Senior Project Manager .....	\$167	-	\$194
Project Manager, Senior Engineer, Senior Scientist, Land Surveyor .....	\$131	-	\$171
Project Engineer, Scientist .....	\$99	-	\$138
Staff (Graduate, Engineer, Architect) .....	\$96	-	\$115
Lead Technician, Lead Resident Project Representative .....	\$99	-	\$135
Technician, GIS Technician, Resident Project Representative .....	\$80	-	\$114
Survey Crew Chief .....	\$87	-	\$120
Survey Instrument Operator .....	\$71	-	\$86
Senior Administrative Assistant .....	\$74	-	\$103
Administrative Assistant .....	\$66	-	\$82
Intern .....	\$50	-	\$56
Specialist .....	Variable		

### Reimbursable Expenses:

Printing and Postage Costs .....	Actual Cost
Subconsultants .....	1.1 x Actual Cost
Mileage .....	IRS Rate
Survey Vehicle and Equipment (Including Hubs, Lath, Irons, etc.) .....	\$ 4.50 / Hour
GPS Equipment .....	\$30.00 / Hour
Total Station .....	\$30.00 / Hour
RPR Vehicle .....	\$16.00 / Day
Regular City Council Meetings .....	No Cost



# CITY OF FOLEY

## EMPLOYEE OBJECTIVES



Employee Name: \_\_\_\_\_

Evaluation Completed By: \_\_\_\_\_

Evaluation Period/Year: \_\_\_\_\_

### Rating Points

- 5 Excellent
- 4 Above Average
- 3 Average
- 2 Below Average
- 1 Poor

### Performance Observation & Measurement

1. Productivity: contributed to growth of Dept/City	5	4	3	2	1
2. Consistency: above & beyond job requirement	5	4	3	2	1
3. Quality: consistently high, exceeded standards	5	4	3	2	1
4. Quantity: high, production exceeded standards	5	4	3	2	1
5. Initiative: high contribution to solutions	5	4	3	2	1
6. Cost Management: served interests of City	5	4	3	2	1
7. Time Management: efficient use of resources	5	4	3	2	1

Total Score: \_\_\_\_\_

Comment on point(s) of strength:

Comment on how can these strength(s) can be better utilized:

Comment on point(s) of weakness:

How can these weaknesses be strengthened or improved?

Professional goals for upcoming year: (including time frame & measurement if applicable)

1.

2.

To be completed by the Supervisor

I have discussed both of the Performance Evaluations, as prepared by the Supervisor (myself) as well as that prepared by the Employee, with the employee.

Supervisor Name: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_

Date: \_\_\_\_\_

To be completed by the Employee

I have discussed both of the Performance Evaluations, as prepared by the Supervisor as well as that prepared by the Employee (myself), with my Supervisor.

Employee Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Other Comments:

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

---

**Consent Agenda**

On your agenda is the resignation of police officer Josh Lindgren and promotion of officer Alex Skluzacek. The council approved this a few months back as we were anticipating a resignation.

Chief McMillin has provided an update to the police department policies regarding Use of Force. These are being mandated to be implemented by the POST Board.

**Public Hearing – Vacation of City ROW**

We have been working on a potential sale of property located near Norman Avenue. It was property being offered for sale by Maxine Olson. When reviewing the access and utility options we discovered an error in some old deeded ROW to the City. There was an error in the legal descriptions from back in the 1960's that deeded ROW over privately owned property. Staff is recommending we vacate this ROW to clean this up. We do not wish to keep this ROW as it was done in error. The City will be able to run utilities to any development on the Maxine Olson property in the future via a utility easement that was granted by another property owner. Staff can explain more at the meeting.

**Annual Appointments**

The list is being provided in your packet. We do still have some openings and we can always fill those if people request mid-year. After reviewing the list, the council should adopt approving all appointments.

**Wastewater Project**

The joint planning board did discuss some changes to the solar ordinance which will help clarify for both solar developers and our wastewater engineers in order to finalize the easements and project route.

**City Administrator Performance Review**

A review form has been provided and discuss will occur in closed session following the regular meeting.

**Upcoming Reminders:**

January 4, 2022 – Council Meeting – CA Performance Review Following

January 10, 2022 - Planning Commission Meeting – If Needed

January 17, 2022 – City Offices Closed – HOLIDAY

February 8, 2022 – Council Meeting – adjusted date due to Precinct Caucus