



**City Council – Meeting Agenda  
March 1, 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 February 8, 2022.
  - Adopt Resolution #2022-08 Approving 2021 Transfers
  - Adopt Resolution #2022-06 Reestablishing Precincts and Polling Places.
  - Approve hiring of Cody Pauch, part-time police officer, contingent on background/psych.
  - Approve payment of bills.
5. Public Hearing – MNCEPO LLC/Benton County Rezoning Request
  - Adopt Resolution #2022-07 Approving Rezoning Request
6. Mayor's Comments & Open Forum
7. Department Reports:
  - Police Department –Katie McMillin
  - City Engineer – Jarod Griffith
  - Public Works/Fire – Mark Pappenfus
    - Update on county fiber project.
  - Administration – Sarah Brunn
8. Old Business
  - Update on wastewater project.
  - Update on Highway 23 project.
9. New Business
10. Adjourn

CITY OF FOLEY, MINNESOTA  
CITY COUNCIL MEETING – February 8, 2022

The Foley City Council held its regular council meeting on February 8, 2022, at 5:30 p.m. at the Foley City Hall.

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

Members Absent: None

The pledge of allegiance was recited.

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

Motion carried, unanimous.

Motion by Gondeck, seconded by Musachio, to pull Resolution #2022-04 MnDOT Agreement from the consent agenda and discuss/vote on separately.

Motion carried, unanimous

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

Consent Agenda:

- Approve minutes of January 4, 2022.
- Approve TH 23 Cooperative Construction Agreement.
- Approve Gilman Township fire contract – includes revised language.
- Approve all other fire contracts – original language (Alberta sample in packet).
- Approving hiring of Joshua Graham, part-time police officer, contingent on background/psych.
- Approve School Choice Proclamation.
- Approve fire relief audit request.
- Approve installation of yield sign in industrial park.
- Approve revised police department policy/procedure manual.
- Approve payment of bills.

Motion carried, unanimous.

**Discussion of Resolution #2022-04 MnDOT Agreement**

City Administrator Sarah Brunn addressed the council and gave an overview of the agreement with MnDOT. While checking with the state to make sure the numbers were correct, she found discrepancies with the money for the city expenditures listed in the agreement. She advised the council that the agreement shouldn't be approved in its current draft until the issue is resolved. The state has agreed to correct the issue in the agreement. The difference amounted to an increase of about \$70,000 of expenses for the city. Discussion and questions followed from the council.

Motion by Gondeck, seconded by Musachio, to approve the Trunk Highway 23 Cooperative Construction Agreement and authorize the signature by the mayor and city administrator, contingent

upon all estimated costs for pedestrian walkways, lighting and curb/gutter items are covered by the appropriated \$300,000 in bond funds received for the City of Foley.

Motion carried, unanimous.

### **Wastewater Project – Jared Voge Bolton and Menk**

Voge updated the council on the wastewater project. Bolton and Menk received word that the city's wastewater permit was approved for the current structure as required by the state. The next item as it relates to the regionalization project is to approve the plans for improvement. Voge directed the council to the memo in their packet that outlined the schedule for the project. Advertising for bids would begin March 1 with bids opened on March 30. Project would be awarded in April with ground breaking as soon as weather permitted in the spring. Completion expected by summer/fall of 2023. Questions and discussion followed.

Motion by Gondeck, seconded by Musachio, to adopt Resolution #2022-05 Approving Plans & Specs and Authorizing Bids.

Motion carried, unanimous.

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

No one spoke.

### **Department Reports**

#### **Police Department**

Chief Katie McMillin gave an overview to the council regarding the department and crime stats. There were 291 calls to the PD in January. She also explained that she added a line to the monthly crime stat report - Child Report - for any calls that occurred at the school. She also said the department has been reminding the public to lock their vehicles to help prevent theft. Fun with Police will be held on Thursday, Feb. 17 with the message "Bee Kind." She also directed the council to their packet where she included the stats from the Minnesota BCA preliminary crime data for violent crime. St. Cloud was in the top four cities for homicides in the state. This was something to keep in mind as neighboring cities are seeing an increase in crime.

#### **City Engineer**

Jarod Griffith gave the council an update of the industrial park wetlands situation and the efforts to shrink the area of concern of 12 acres of delineated wetlands. The initial estimate was that only 4 acres would be affected. Benton County is currently reviewing. We're hoping that the county will agree to remove it completely. Discussion and questions followed.

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

Mark Pappenfus gave an update on the vacuum truck purchase. The used one from Lakeville is now available. It needs some work but it's still in good shape. Would like the council's permission to proceed with the purchase.

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

Motion by Gondeck, seconded by Swanson, to approve the sale of the old truck at auction.

Motion carried, unanimous.

Pappenfus also gave an update on water usage for 2021. It's down from previous years. He also brought up the issue of the Fire Department burn permits within city limits. Currently, the DNR issues burn permits. Discussion and questions followed. The council agreed to let the fire department research taking over burn permits for the city. Pappenfus also thanked the council for attending the Fire Department's annual banquet.

### **Administrative**

Sarah Brunn gave an overview of projects currently in progress. Staff is answering questions regarding the wastewater project and water/sewer bills. Brunn also indicated a need to update our existing code regarding water/sewer connections both because of new standards in place but also to protect city's investments in infrastructure. Discussion and questions followed with council agreeing to have staff bring back recommendations.

Brunn also reminded the council of the Foley Business Expo at the high school on Saturday. The city would be participating with an information booth. The new monthly water/sewer billing began this month. Staff is doing a great job of getting them turned around. We are not currently charging late penalties, but we will start doing that in the near future.

### **Old Business**

No old business.

### **New Business**

No new business.

Motion by Gondeck, seconded by Musachio to adjourn.

Motion carried, unanimous.

The meeting adjourned at 6:13 p.m.

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Sarah A. Brunn, Administrator

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

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA  
RESOLUTION 2022 - 08

A RESOLUTION PROVIDING FOR TRANSFERS BETWEEN FUNDS

WHEREAS, in conjunction with closing the books for 2021, transfers need to be accomplished; and

WHEREAS, funds are proposed to be transferred to be incorporated into the equipment and streets funds as budgeted;

WHEREAS, funds are proposed to be transferred from enterprise funds to debt service funds as budgeted;

WHEREAS, funds are proposed to be transferred to provide an interfund loan to the fire department from the expendable trust fund;

NOW THEREFORE BE IT RESOLVED that the Foley City Council hereby approves the following transfer to be incorporated into the 2021 audit report.

1. Transfer \$225,000 from General Fund (Fund 100) to Equipment Fund (Fund 425).
2. Transfer \$115,000 from General Fund (Fund 100) to Streets Fund (Fund 410).
3. Transfer \$20,000 from Water Fund (Fund 601) to 2008 (2012) Refunding Bond Fund (Fund 208).
4. Transfer \$63,000 from Sewer Fund (Fund 602) to 2008 (2012) Refunding Bond (Fund 208).
5. Transfer \$10,000 from Water Fund (Fund 601) to 2015 Bond Fund (Fund 215).
6. Transfer \$10,000 from Sewer Fund (Fund 602) to 2015 Bond Fund (Fund 215).
7. Transfer \$38,000 from Water Fund (Fund 601) to 218 Bond Fund (Fund 218).
8. Transfer \$27,000 from Sewer Fund (Fund 602) to 2018 Bond Fund (Fund 218).
9. Transfer \$40,000 from Fire (Fund 699) to Expendable Trust (Fund 609).

PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota, this 1<sup>st</sup> day of March, 2022.

ATTEST:

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

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

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

RESOLUTION 2022-06

RESOLUTION REESTABLISHING PRECINCTS AND POLLING PLACES

WHEREAS, the legislature of the State of Minnesota has been redistricted; and

WHEREAS, Minnesota Statute section 204B.14, subd. 3 (d) requires that precinct boundaries must be reestablished within 60 days of when the legislature has been redistricted or at least 19 weeks before the state primary election, whichever comes first;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Foley, County of Benton, State of Minnesota hereby reestablishes the boundaries of the voting precincts and polling places as follows:

Precinct 1 (City Hall, 251 4<sup>th</sup> Avenue North)

Attached to this resolution, for illustrative purposes, is a map showing said precincts and the location of each polling place.

Adopted by the council this 1st day of March 2022.

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Gerard L. Bettendorf, Mayor

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Sarah A. Brunn, City Administrator

# Bills List - March 1st, 2022

Gross Salaries	Payroll -2/11/22	\$	31,918.35
EFTPS	Federal Withholding	\$	5,347.38
MN Dept of Revenue	State Withholding	\$	1,022.85
State Treas. PERA	PERA	\$	6,028.34
Nationwide	Deferred Comp	\$	1,002.85
Pacific Life Ins	Deferred Comp/Roth IRA	\$	70.00
Further	HSA Contribution	\$	2,034.79

Gross Salaries	Payroll -2/25/22	\$	32,331.27
EFTPS	Federal Withholding	\$	5,401.29
MN Dept of Revenue	State Withholding	\$	1,039.83
State Treas. PERA	PERA	\$	6,138.51
Nationwide	Deferred Comp	\$	1,002.85
Pacific Life Ins	Deferred Comp/Roth IRA	\$	70.00
Further	HSA Contribution	\$	2,034.79
LELS	Police Union Dues	\$	195.00

## To Be Paid - 3/1/2022

ABM Equipment	PW Vehicle Maintenance	\$	646.34
Alex Air Apparatus, Inc.	PW Supplies	\$	27.23
Axon Enterprise Inc.	PD Taser Agreement	\$	792.00
Benton County Attorney	December and January Legal Fee's	\$	275.00
Benton Trophy and Awards, Inc	Name Plate for Jarod Griffith	\$	20.52
Central McGowan	PD Medical Equipment	\$	50.60
Cintas	Uniforms	\$	60.18
Delta Dental	Employee Dental Insurance	\$	1,290.00
Emergency Medical Products	FD Medical Supplies	\$	175.61
First National Bank of Omaha	February CC purchases	\$	775.96
Foley Collision Center, Inc	PW Vehicle Maintenance	\$	62.00
Further	Employer HSA Contribution and Admin Fee	\$	380.35
Grainger	City Hall Thermostat Maintence	\$	19.68
Hawkins	Water Repairs & Maintenance	\$	2,026.46
League of MN Cities	Software	\$	76.00
Marco	Copier Lease	\$	261.07
Minnesota Chiefs of Police Association	2022 Membership Renewal	\$	320.00
MN Department of Revenue	Sales and Use Tax	\$	1,890.00
NASASP	PW Annual Dues	\$	39.00
Rinke Noonan	County Rezoning, PD Union, WWE, General Legal	\$	2,099.00
Riteway	City Hall Receipt Books	\$	134.70
RMB Environmental Laboratories	Water & Sewer Testing	\$	234.00
SCSU	EVOC/PIT Training - Slipka	\$	455.00
Short Elliott Hendrickson, Inc	Ind Park Expansion, Pouchtec WW sampling, Gen Eng	\$	3,653.00
Staples	City Hall Office Supplies	\$	168.94
Star Publications	Subscription	\$	40.00
Sun Life Assurance Company	Employee LTD	\$	246.89
USable Life	Employee Life Insurance	\$	251.00
Verizon	PW, PD, FD Cell Phone	\$	309.57
Xcel Energy	Utilities	\$	9,365.92
		\$	74,359.56

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

RESOLUTION 2022 – 07

RESOLUTION AMENDING ZONING ORDINANCE AND MAP FOR REZONING OF TAX PID 130030201 AND TAX PID 130073200 FROM R-1 RESIDENTIAL TO B-1 CENTRAL BUSINESS

**RECITALS**

- A. MNCENPRO LLC (the “Developer”) owns Tax PID 130030201 and PID 130073200, legally described in **Exhibit A** (the “Lot”), which is currently vacant land zoned R-1 residential.
- B. The Developer has a purchase agreement with Benton County to purchase property, legally described in **Exhibit A**.
- C. Benton County wishes to rezone the “Lot” for purposes of expanding Government Services.
- D. The Foley Planning Commission has reviewed the rezoning request and determined that it is consistent with the City’s comprehensive plan, does not create land use conflicts with neighboring properties, is a logical orderly growth of commercial activities, and will not strain public services.

**FINDINGS OF FACT**  
**Rezoning**

- 1. The Developer is the owner of the “Lot”.
- 2. The Developer has a purchase agreement for the “Lot” with Benton County and consents to the rezoning of the Lot.
- 3. The Property is vacant.
- 4. The Property lies adjacent to existing county facilities.
- 5. The Developer has submitted a survey and other information required by the zoning ordinance.
- 6. The Foley Planning Commission has reviewed the rezoning request and recommends approval.

7. A public hearing, with proper mailed and published notice, was conducted on March 1, 2022.
8. The B-1 zoning classification and the proposed use, is compatible with neighboring properties.
9. The rezoning is consistent with the City's comprehensive plan:
  - a. Allows for business related expansion.
  - b. Promotes infill of existing vacant lots and in priority area of central business district.
  - c. Is compatible with surrounding land uses, not causing a decrease in residential property values.
10. The rezoning will not create a strain on public services in the City.

**NOW, THEREFORE**, the Foley City Council hereby ordains as follows:

1. The above Findings of Fact are adopted by the Foley City Council.
2. The rezoning application is granted by the Foley City Council with the following conditions:
  - Rezoning approval is contingent upon completion of sale of property to Benton County.
  - Vacation documents will be recorded at County. Prior requirements did not require recording but the City and County both recognize the importance of having this done.
  - A 12-foot easement is drafted and recorded on the west side of parcel for existing city water and sewer utility mains.
  - The county agrees to grant any additional storm sewer easements as needed on the property.
  - City will be requesting a sidewalk be incorporated into a future site plan on the west side of the parcel.
3. City staff is directed to revise the City's zoning map accordingly.

PASSED AND ADOPTED by unanimous vote of the City Council of the City of Foley this 1<sup>st</sup> day of March, 2022.

ATTEST:

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

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

**EXHIBIT A**  
**LEGAL DESCRIPTION OF "LOT"**

Parcel No. 13.00302.01

All of Block Thirteen (13), including the vacated alley running Northeasterly through the center of said Block Thirteen (13) and the vacated alley running Southeasterly from the alley above described to Main Street.

ALSO the vacated Easterly forty (40') feet of that part of FIFTH AVENUE lying between the Southerly line of Dewey Street and the Northerly line of said Main Street, all in FOLEY'S ADDITION TO THE TOWN (now City) OF FOLEY, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota

ALSO: Block "B" of FOLEY'S FIRST ADDITION TO THE TOWN (now City) OF FOLEY

ALSO: A tract of land fifty (50') in width described as : All that part of vacated Main Street lying Easterly of the center of creek known as Stony Brook, and lying Southerly of Lot Ten (10), Block Twelve (12), all being in FOLEY'S FIRST ADDITION TO THE TOWN (now City) OF FOLEY, according to the plat and survey hereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota together with a tract of land 50 feet in width lying between and adjoining said vacated Main Street and the right of way of the Great Northern Railway Company (now abandoned), the Easterly boundary of said tract being a line 10 feet Westerly of and parallel with the Westerly line of Fifth Avenue and the Westerly boundary line being the center of said Stony Brooke.

ALSO:

Parcel No. 13.00732.00

That portion of Lot Five (5), Block Three (3), FOLEY IMPROVEMENT PLAT, which lies Easterly of the centerline of Stony Creek, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota together with all hereditaments and appurtenances belonging thereto.

# City of Foley

## Zoning Amendment Application

Street Location of Property: 520 Dewey Street (Parcel 130030201) and Parcel 130073200 (no address)

Legal Description of Property: \_\_\_\_\_

Current Zoning of Property: Residential

Proposed Zoning: B-1

Type of Request: See attached

\*\*\* (Attach narrative describing details of project scope) \*\*\*

Property Owner: MNCEPRO LLC (Ereneth Sobania)

Name 7751 410th St

Address 16100 Rd S6367

320.250.1557

Phone:

Fax:

eversoban@aol.com

Email

Applicant: Benton County

Name

531 Dewey St.

Address

Foley, Md S6329

320.968.5000

Phone:

320.968-5329

Fax:

mheadlyc co. benton, md. us

Email

T of Request & Fee Amount:

<input checked="" type="checkbox"/>	Rezoning/Amendment	\$250.00
<input type="checkbox"/>	Conditional Use Permit	\$250.00
<input type="checkbox"/>	Variance	\$250.00
<input type="checkbox"/>	Planned Unit Development	\$250.00

<input type="checkbox"/>	Preliminary Plat	\$500.00
<input type="checkbox"/>	Final Plat	\$
<input type="checkbox"/>	Annexation	\$400.00 +
<input type="checkbox"/>	Site Plan Review/Other	
Total Fees Paid		\$

Has a request been made previously on this property? ☐ Yes ☒ No Explain: \_\_\_\_\_

**This application must be completed in full, be typewritten or clearly printed, and must be accompanied by all information, supporting documents and plans as required by applicable City Ordinance provisions.** A determination of completeness of the application shall be made within ten business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant.

This is to certify that I am making application for the described action by the City and that I am responsible for all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application. I have attached a copy of proof of ownership (either copy of Owner's Duplicate Certificate of Title, Abstract of Title or purchase agreement), or I am the authorized person to make this application and the fee owner has also signed this application.

☒ Supporting Documents Attached

☐ Appropriate Fees Paid

☐ Review by City Staff

Application Filed: \_\_\_\_\_

Date Fees Paid: \_\_\_\_\_

Staff Initials: \_\_\_\_\_

☐ Completed Application Accepted

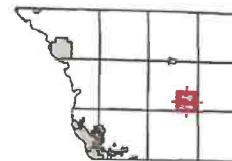
Date Application Accepted: \_\_\_\_\_

Morgan I. Leady 11-15-21  
Signature of Applicant Date

Ereneth Sobania 11-23-21  
Signature of Fee Owner Date



Overview



**Legend**

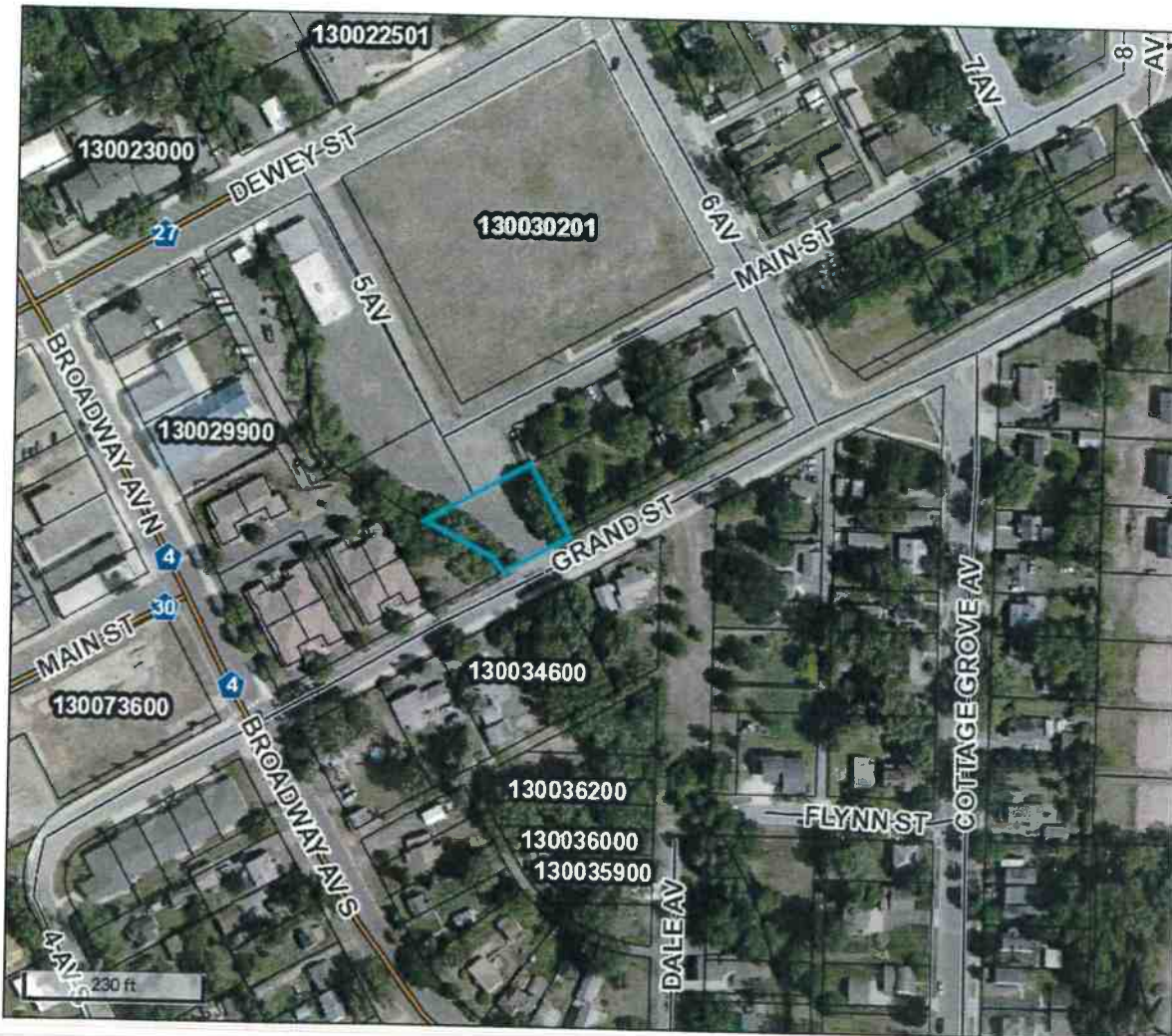
- Parcels
- Highways
- County Roads
- Roads

Parcel ID	130030201	Alternate ID	n/a	Owner Address	MNCENPRO LLC
Sec/Twp/Rng	26-037-029	Class	206 - RES 1-3 UNITS		7751 410TH ST
Property Address	520 DEWEY ST	Acreage	n/a		RICE, MN 56367
	FOLEY				
District	FOLEY				
Brief Tax Description	Sect-26 Twp-037 Range-029 FOLEY'S 1ST ADDITION TO TOWN Lot-001 Block-013 & LOTS 2-13 & ALL VAC ALLEYS WITHIN BLOCK 13 & ELY 40 FT OF VAC 5TH ST LYING ADJ TO BLK 13 & BLOCK 'B' & THAT PART OF FLOUR MILL LOT LYING ELY OF C/L OF STONEY CREEK & THAT PART OF VAC MAIN ST LYING ELY OF C/L OF STONEY CREEK & SLY OF LOT 10 BLK 12				
	(Note: Not to be used on legal documents)				

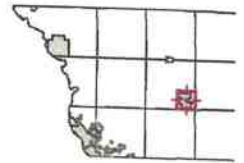
Date created: 11/15/2021

Last Data Uploaded: 11/15/2021 6:54:01 AM

Developed by  **Schneider**  
GEOSPATIAL



Overview



Legend

- Parcels
- Highways
- County Roads
- Roads

Parcel ID	130073200	Alternate ID	n/a	Owner Address	MNCENPRO LLC
Sec/Twp/Rng	35-037-029	Class	206 - RES 1-3 UNITS		7751 410TH ST
Property Address		Acreage	n/a		RICE, MN 56367
District	FOLEY				
Brief Tax Description	Sect-35 Twp-037 Range-029 FOLEY IMPROVEMENT PLAT Lot-005 Block-003 THAT PART OF LOT 5 LYING ELY OF C/L OF STONEY CREEK				
	(Note: Not to be used on legal documents)				

Date created: 11/15/2021

Last Data Uploaded: 11/15/2021 6:54:01 AM

Developed by Schneider  
GEOSPATIAL



## COUNTY ADMINISTRATOR'S OFFICE

*Benton County Mission: Providing excellent customer service in a fiscally responsible manner*

January 19, 2022

City of Foley Planning Commission  
Foley City Hall  
251 4th Ave. N  
PO Box 709  
Foley, MN 56329

Dear Members of the Foley Planning Commission:

Benton County is in the process of acquiring two parcels within the City of Foley. These are parcels 130030201 and 130073200. Both are under the ownership of MNCENPRO LLC (Everett Sobania). Parcel 130030201 has the street address 520 Dewey Street and was the site of the old Foley High School. Parcel 130073200 has no street address. Both parcels are currently zoned residential. See attached maps from our Beacon system for their locations.

Also, I have attached a Resolution approved by the County Board on January 18, 2022 authorizing the purchase. You will note the purchase is contingent on two conditions: 1) re-zoning approval and 2) a determination of no contaminated soils. The County is currently working with Braun Intertec on a Phase 1 environmental study to determine if any contaminated soils are present. We understand buried fuel oil tanks were discovered on the site when the Foley High School was demolished. Before finalizing a purchase, the County must be assured no contaminated soils are present.

The County is planning for its future office spaces needs and sees the acquisition of these parcels as providing the County with options for a potential expansion of its office space. The County is working with an architect on its space needs and is in the early stages of exploring options. At present we do not have a specific site plan for these parcels. In general, we can foresee a single story office building occupying the main parcel (130030201) where the old Foley High School once stood.

Most discussions have centered on finding new office space for our Human Services Department, which now occupies the old Courthouse building in our Government Center. Thus, it is likely any new office building constructed on the primary parcel (130030201) would house our Human Services Department. This is our largest Department and currently has 113 authorized positions. The County may locate other functions in a new building, so it is

531 Dewey Street  
P.O. Box 129  
Foley, MN 56329

[www.co.benton.mn.us](http://www.co.benton.mn.us)  
[info@co.benton.mn.us](mailto:info@co.benton.mn.us)

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(320) 968-5000 MAIN  
(320) 968-5329 FAX  
(320) 968-8842 TDD

reasonable to assume a new structure would occupy much of this parcel. A portion of the parcel may also be needed for off-street parking.

The County requests the Planning Commission approve a re-zoning of both parcels to "B-1" Central Business District. This zoning district allows governmental structures as a permitted use. As you will see in the attached maps, the main parcel is directly across the street from the County's Government Center. This proximity to existing County facilities makes it ideal for a potential expansion. The use of both parcels would be consistent with the current uses of adjacent County property.

Benton County is among the fastest growing outstate counties in Minnesota. With this growth comes the need at times to add staff to address increased caseloads and service demands. Most County Departments in the Government Center have no space available for additional staff. Also, the 1901 Courthouse presents significant challenges to renovations. No option we have explored so far would result in more space. In fact, our architect has recommended we abandon the Courthouse lower level, further reducing available space.

Being able to acquire and re-zone the two parcels here in Foley will give the County access to land for expansions to serve our County residents well into the future. It also solidifies the County's presence in Foley as our County Seat.

A final point we would like to make is we have considered a potential expansion of County facilities on our Courts Facility/Sheriff's Office property. We have concluded that any available land there should be held for future expansions of our justice system, including courts and jail. We are concerned that adding other functions such as Human Services to that location could seriously restrict options for justice system expansions in the future.

Thank you for considering our application.

Sincerely,



Montgomery Headley  
County Administrator

Attachment (County Board Resolution #2022-05)

BENTON COUNTY BOARD OF COMMISSIONERS  
RESOLUTION 2022 #05

**WHEREAS**, the County Board deems it desirable and in the best interests of the County to acquire certain properties legally described as:

**Parcel No. 13.00302.01**

All of Block Thirteen (13), including the vacated alley running Northeasterly through the center of said Block Thirteen (13) and the vacated alley running Southeasterly from the alley above described to Main Street

ALSO the vacated Easterly forty (40') feet of that part of FIFTH AVENUE lying between the Southerly line of Dewey Street and the Northerly line of said Main Street, all in FOLEY'S ADDITION TO THE TOWN (now City) OF FOLEY, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota

ALSO: Block " B" of FOLEY'S FIRST ADDITION TO THE TOWN (now City) OF FOLEY

ALSO:

A tract of land fifty (50') in width described as: All that part of vacated Main Street lying Easterly of the center of creek known as Stony Brook, and lying Southerly of Lot Ten (10), Block Twelve (12), all being in FOLEY'S FIRST ADDITION TO THE TOWN (now City) OF FOLEY, according to the plat and survey hereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota together with a tract of land 50 feet in width lying between and adjoining said vacated Main Street and the right of way of the Great Northern Railway Company (now abandoned), the Easterly boundary of said tract being a line 10 feet Westerly of and parallel with the Westerly line of Fifth Avenue and the Westerly boundary line being the center of said Stony Brook.

ALSO:

**Parcel No. 13.00732.00**

That portion of Lot Five (5), Block Three (3), FOLEY IMPROVEMENT PLAT, which lies Easterly of the centerline of Stony Creek, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota, together with all hereditaments and appurtenances belonging thereto; and,

**WHEREAS**, MNCENPRO LLC, 7751 410TH ST, RICE, MN 56367, the owner of the above-described property, hereinafter the "Seller," is willing to sell the above-described property to the County; and

**WHEREAS**, the County has an interest in acquiring the property to address its future office space needs; and

**WHEREAS**, the property is currently zoned Residential by the City of Foley and must be re-zoned to a "B-1" business zoning district to allow a governmental office building; and

**WHEREAS**, Parcel 130030201 was the site of the former Foley High School and was known to contain buried fuel oil tanks discovered during demolition of the High School; and,

**WHEREAS**, environmental documentation obtained by the County does not conclusively rule out the possibility contaminated soils may be present on the site, nor the possibility soil remediation will not be required should soil disturbance be required as part of a construction project; and

**WHEREAS**, certain right of ways impacting the subject property have been vacated, but the documents vacating the right of ways have not been recorded and must be recorded by the City of Foley, prior to closing; and

**WHEREAS**, conditions precedent to closing the purchase and conveyance of the property to the County must include successful rezoning of the property to a B-1 designation, an environmental assessment of the property to determine if the site is suitable for construction, and the City recording the documents vacating identified right of ways; and

**WHEREAS**, the County is willing to purchase the property for \$240,000.00 U.S. Dollars

**NOW, THEREFORE, BE IT RESOLVED** that Benton County acquire the property described above for a price of approximately \$240,000.00 U.S. Dollars if all of the following conditions are met; and

**BE IT FURTHER RESOLVED** that the County Administrator is directed to apply to the City of Foley requesting the property be re-zoned from Residential to B-1; and

~~**BE IT FURTHER RESOLVED** that the County Administrator is directed to obtain the services of a competent firm to complete a Phase 1 and Phase 2 environmental assessment of the property; and~~

~~**BE IT FURTHER RESOLVED** that closing on the property and conveyance to the County may not occur unless the City of Foley has approved rezoning to a B-1 District, a Phase 1 and Phase 1 environmental assessment shows no soil contamination present requiring remediation, and the City of Foley has recorded all required documents identifying the vacation of certain right of ways that impact the subject property; and~~

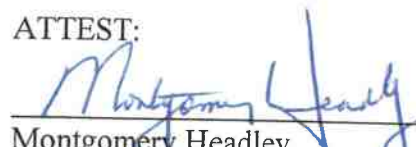
~~**BE IT FURTHER RESOLVED**, that the County Administrator is hereby authorized, directed and empowered to execute, for and on behalf of County and in its name, any and all documents required in connection with the purchase of the property, including but not limited to purchase agreements and escrow documents; and~~

**BE IT FURTHER RESOLVED** that any actions taken by such officers prior to the date of the foregoing resolutions adopted hereby that are within the authority conferred thereby are hereby ratified, confirmed and approved as the acts and deeds of this corporation.

Approved and adopted this 18<sup>th</sup> day of January, 2022.

  
\_\_\_\_\_  
Steven J. Heinen, Chair  
Benton County Board of Commissioners

ATTEST:

  
\_\_\_\_\_  
Montgomery Headley  
Benton County Administrator

PAGE 340

GRANTORS: Village of Foley

By L. A. Grimm, Village Clerk

GRANTEE: The Public

Inst. NOTICE OF COMPLETION OF PROCEEDINGS

Con. \$ FOR VACATION OF STREET AND ALLEYS

Date of Inst. May 8, 1958

Date of Ack.

Before N.P.

(Seal)

Rec. May 9, 1958 19 at 4 o'clock P M.

In Book 17 of Misc. on page 340

Witnesses:

42

				SECTION	TOWNSHIP	RANGE

Lot

Block 13

17-340

NOTICE IS HEREBY GIVEN THAT proceedings have been duly completed by the passage of a Resolution by the Village Council of the Vill of Foley for the vacation of the following portion of a street and two alleys in said Village:

1. The Ely 40 ft of that part of Fifth Avenue lying between the city line of Dewey Street and the city line of Main Street.
  2. The Alley running newly through the center of Block 13 in said Foley's First Add.
  3. The alley running solely from the Alley above described to said Main St.
- That these proceedings were taken upon the petition of Independent School District No. 50 of Benton County, Minnesota, a municipal corporation, as the owner of all the land abutting upon said street and alleys and that a hearing was duly held by the Village Council of said Village of Foley on the 8th day of May, 1958 and a resolution was unanimously adopted by said Village Council for the vacation of said street and alleys on the 8th day of May, 1958.

That due notice of said hearing on said petition was given by two weeks posted and published notice the published notice being in Benton County News in the issues of April 23 and April 30, 1958.

GRANTORS: Village of Foley By  
Prest & Clerk. (Corp seal.)

GRANTEE: The Public.

Inst. Ordinance No. 12

Con. §

Date of Inst. Sept. 5th, 1905

Date of Ack.

Before N. P.

(Seal)

Rec. Sept. 8th, 1905 19. at 3 o'clock P. M.

In Book 18 of Maps on page 8

Witnesses: That part of Main street in the  
Village of Foley, immediately South of  
Block 12 First Addition to Foley be and  
the same is hereby vacated.

				SECTION	TOWNSHIP	RANGE

Lot

Block

H-8

The Village Council of the Village of Foley, do ordain:

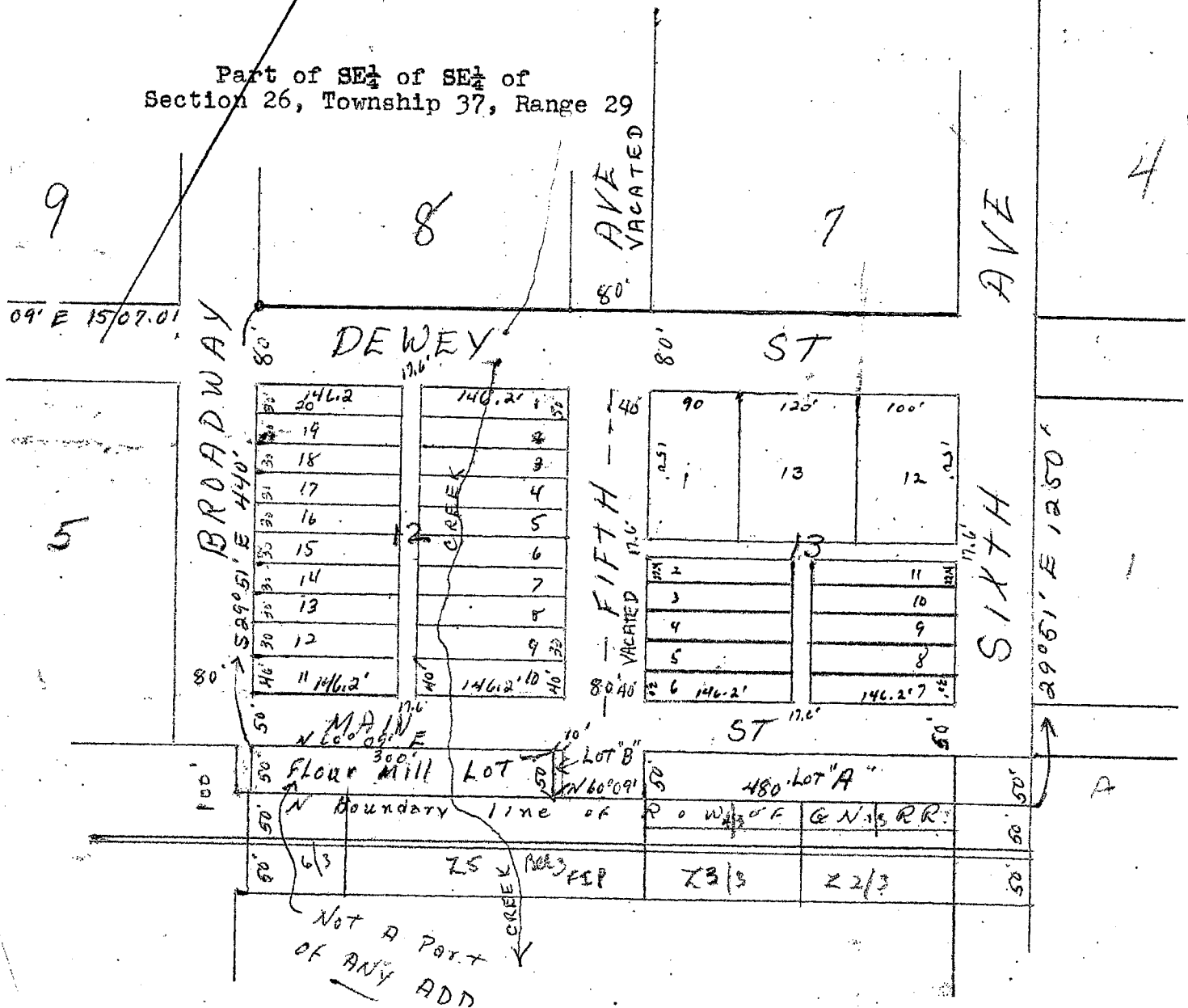
Section I: That all that part of Main Street in the Village of Foley immediately South of Block 12 of the First Addition to the Town (now Village) of Foley, according to the survey and plat thereof made by John Abecrombie, on file and of record in the office of the Register of Deeds of Benton County, Minnesota, be and the same is hereby vacated.

Section II: This ordinance shall take effect and be in force from and after its publication. Approved and passed this 5th day of September, 1905. (Signed) Felix Parent

Attest: Wm. H. Lord, President of the Village Council.  
Village Recorder

see off of Publication hereto attached

Part of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of  
Section 26, Township 37, Range 29



**Client**  
**BENTON**  
**COUNTY**

521 DEWEY ST, FOLEY, MN

**Project**  
**COS ON DEWEY**  
**ST**

**Location**  
**520 DEWEY ST**

FOLEY, MINNESOTA

**Certification**

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed professional SURVEYOR under the laws of the state of Minnesota.

Jerome C. Wittstock  
Registration No. 19552 Date: 12/22/2021  
If applicable, contact us for a wet signed copy of this plan which is available upon request at Sambatek's, Minnetonka, MN office.

**Summary**

Designed: Drawn: D/T  
Approved: J/W Book / Page:  
Phase: SURVEY CERT Initial Issue: 12/20/2021

**Revision History**

No. Date By Submittal / Revision

**Sheet Title**  
**CERTIFICATE OF**  
**SURVEY**

**Sheet No. Revision**  
**1/1**

**Project No.** 22594

**DESCRIPTION**

Parcel No. 13.00902.01

All of Block Thirteen (13), including the vacated alley running Northeasterly through the center of said Block Thirteen (13) and the vacated alley running Southeasterly from the alley above described to Main Street.

ALSO the vacated Easterly forty (40') feet of that part of FIFTH AVENUE lying between the Southerly line of Dewey Street and the Northerly line of said Main Street, all in FOLEY'S ADDITION TO THE TOWN (now City) OF FOLEY, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota.

ALSO: Block "B" of FOLEY'S FIRST ADDITION TO THE TOWN (now City) OF FOLEY

ALSO:

A tract of land fifty (50') in width described as: All that part of vacated Main Street lying Easterly of the center of creek known as Stony Brook, and lying Southerly of Lot Ten (10), Block Twelve (12), all being in FOLEY'S FIRST ADDITION TO THE TOWN (now City) OF FOLEY, according to the plat and survey hereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota together with a tract of land 50 feet in width lying between and adjoining said vacated Main Street and the right of way of the Great Northern Railway Company (now abandoned); the Easterly boundary of said tract being a line 10 feet Westerly of and parallel with the Westerly line of Fifth Avenue and the Westerly boundary line being the center of said Stony Brook.

ALSO:

Parcel No. 13.00732.00

That portion of Lot Five (5), Block Three (3), FOLEY IMPROVEMENT PLAT, which lies Easterly of the centerline of Stony Creek, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota

together with all hereditaments and appurtenances belonging thereto.

**PROPERTY SUMMARY**

- The property identification numbers are 13-00-73-200 and 13-00-30-201. The address for Parcel 1 is 520 Dewey Street, Foley, MN and the address for Parcel 2 is unassigned.
- The gross area of the subject property is:  
Parcel 1- 2.686 Acres or 117,008 Square Feet.  
Parcel 2- 0.233 Acres or 10,134 Square Feet.

**SURVEY NOTES**

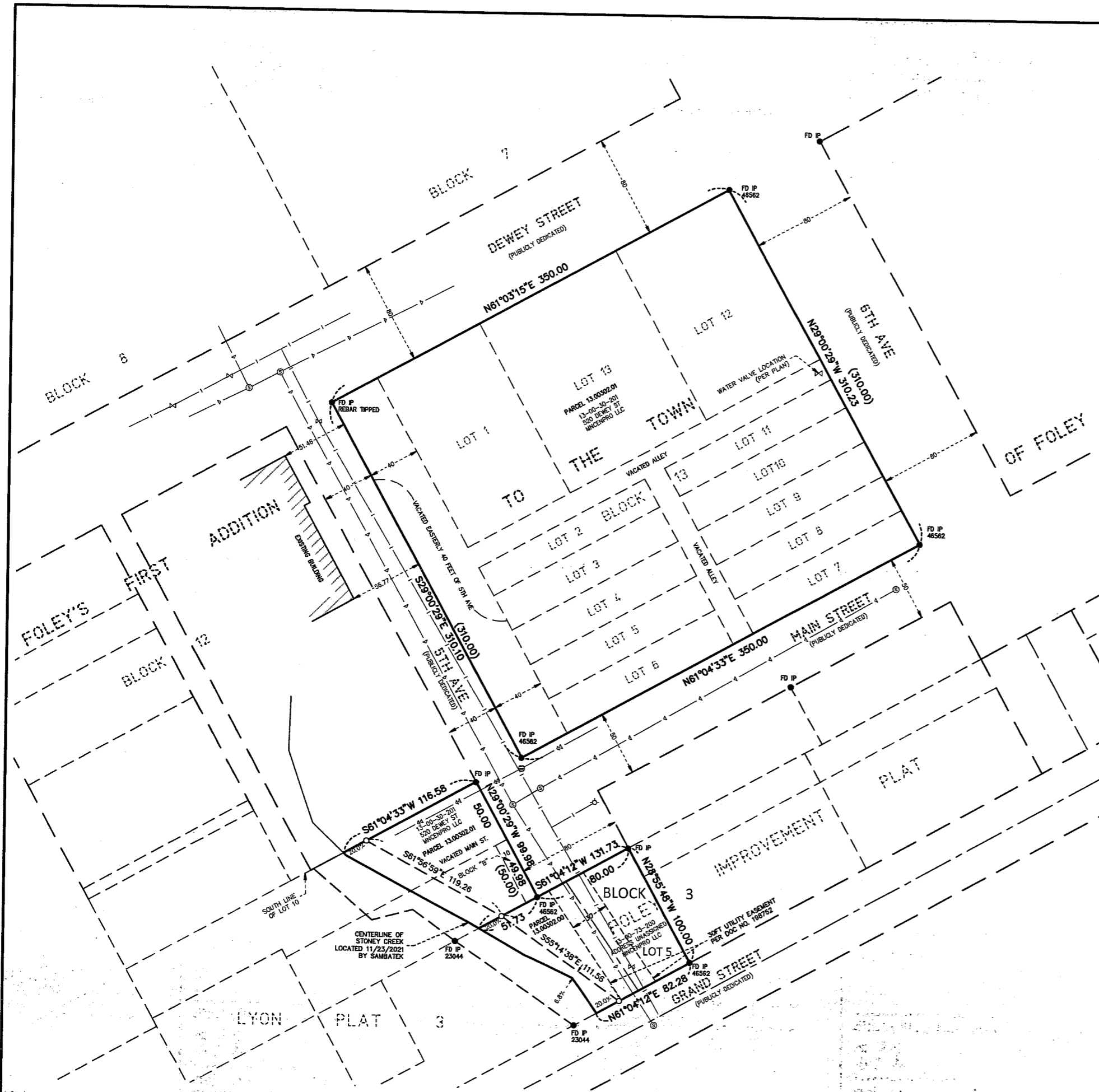
- The bearing system for this survey is based on the Benton County coordinate system, NAD83 (1996 Adjust).
- Field work was completed on 11/24/2021.
- This survey was prepared without the benefit of a title commitment or abstract and the surveyor has made no independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate title search may disclose. Therefore, this survey may be revised by showing that which would be cited in a title commitment and then illustrated on the survey.



0 40 80  
SCALE IN FEET

**LEGEND**

⊙ STORM MANHOLE	— STORM SEWER	⊙ TRAFFIC LIGHT
⊙ STORM CATCH BASIN	— SANITARY SEWER	⊙ VENT
⊙ SANITARY MANHOLE	— WATERMAIN	⊙ BEEHIVE
⊙ GATE VALVE / HYDRANT	— UNDERGROUND ELECTRIC	⊙ WELL
⊙ SIGN	— UT UNDERGROUND TELEPHONE	⊙ MAILBOX
⊙ GAS METER	— UC UNDERGROUND GAS	⊙ POST INDICATOR VALVE
⊙ UTILITY POLE	— OC OVERHEAD ELECTRICAL WIRE	⊙ BITUMINOUS SURFACE
⊙ TRANSFORMER	— FO FIBER OPTIC	⊙ CONCRETE SURFACE
⊙ GUARD POST	— S CHAIN LINK FENCE	⊙ GRAVEL SURFACE
⊙ CLARED END SECTION	— W WOOD FENCE	⊙ RESTRICTED ACCESS
⊙ LIGHT	— W WIRE FENCE	⊙ HANDICAP PARKING STALL
⊙ GUY ANCHOR	— W WET LAND	⊙ REGULAR PARKING STALL
⊙ GAS MANHOLE	— RETAINING WALL	⊙ STALL COUNT
⊙ GAS VALVE	— BLOCK RETAINING WALL	⊙ TREE LINE
⊙ ELECTRIC MANHOLE	— STONE RETAINING WALL	⊙ CONCRETE CURB
⊙ ELECTRIC METER	— POND / WATER LINE	⊙ DECIDUOUS TREE
⊙ TELEPHONE PEDESTAL	— BENCH	⊙ CONIFEROUS TREE
⊙ CABLE TV BOX	⊙ HAND HOLE	⊙ SHRUB
⊙ COMMUNICATIONS MANHOLE	⊙ COMMUNICATIONS VAULT	⊙ SPOT ELEVATION
⊙ AIR CONDITIONING UNIT	⊙ BENCHMARK	⊙ CONTOUR
⊙ FLAG POLE	⊙ DELINEATION POST	⊙ SOIL BORING
⊙ FOUND MONUMENT	⊙ GROUND LIGHT	
⊙ SET MONUMENT	⊙ EASEMENT LINE	
⊙ MARKED LS 19552	⊙ SETBACK LINE	
⊙ POST	⊙ BUILDING LINE	



**Sarah Brunn**

**From:** Monty Headley <MHEADLEY@co.benton.mn.us>  
**Sent:** Tuesday, February 8, 2022 8:56 AM  
**To:** Sarah Brunn  
**Subject:** RE: 04313-0108 City of Foley: General Zoning Matters: Benton County - Rezoning Application

Sarah,

I don't see a problem with any of those conditions.

And responding to Adam's comment about the "island" parcel. Our intention is to re-zone all parcels in this purchase. This is definitely an odd collection of land areas. You have the one main parcel which is the large square with the smaller detached area that I understand was the school playground. Then, there is another detached parcel adjacent to the Main Street. All three areas (two parcels) are included in the purchase and we request rezoning to B1 on all three. Thanks,  
Monty

**From:** Sarah Brunn <sbrunn@ci.foley.mn.us>  
**Sent:** Friday, February 4, 2022 1:13 PM  
**To:** Monty Headley <MHEADLEY@co.benton.mn.us>  
**Subject:** FW: 04313-0108 City of Foley: General Zoning Matters: Benton County - Rezoning Application

**CAUTION: This email originated from outside of the Benton County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Monty,

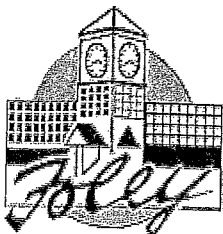
Please see emails below regarding the comments of staff (PW, attorney, engineer). Biggest items are a needed 12 foot easement over the utility mains, smaller easements for the storm sewer, and a potential sidewalk to be incorporated into the future site plan. Staff will be recommending the easements be done along with the recording of the vacation documents we discussed earlier. We will be sending out the planning packet early next week and they are also given these comments.

Let me know if you have additional questions, thanks.

**Sarah A. Brunn**

**City Administrator**

[sbrunn@ci.foley.mn.us](mailto:sbrunn@ci.foley.mn.us)



**City of Foley**

251 4<sup>th</sup> Avenue North

P.O. Box 709

Foley, MN 56329

[www.ci.foley.mn.us](http://www.ci.foley.mn.us)  
320-968-7260 Office  
320-968-6325 Fax

**From:** Mark Pappenfus <[mpappenfus@ci.foley.mn.us](mailto:mpappenfus@ci.foley.mn.us)>  
**Sent:** Tuesday, February 1, 2022 1:46 PM  
**To:** Jarod Griffith <[jgriffith@sehinc.com](mailto:jgriffith@sehinc.com)>; Adam Ripple <[ARipple@rinkenoonan.com](mailto:ARipple@rinkenoonan.com)>; Sarah Brunn <[sbrunn@ci.foley.mn.us](mailto:sbrunn@ci.foley.mn.us)>; Nancy Scott <[nscott64@hotmail.com](mailto:nscott64@hotmail.com)>  
**Subject:** RE: 04313-0108 City of Foley: General Zoning Matters: Benton County - Rezoning Application

Sarah,

Jarod and I have discussed this rezoning request and gone over the items that pertain to us. I am in agreement with getting a 12' easement on the West side of this parcel due to the uncertainty of the Watermain location and I had also mentioned to Jarod that I would think the City will be requesting a sidewalk be installed on the West side of this parcel in this easement. We will also need to figure out the storm sewers and their exact routes on the SW side and this may require some small easements.

Thanks, Mark

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

**From:** Jarod Griffith <[jgriffith@sehinc.com](mailto:jgriffith@sehinc.com)>  
**Sent:** Tuesday, February 1, 2022 12:56 PM  
**To:** Adam Ripple <[ARipple@rinkenoonan.com](mailto:ARipple@rinkenoonan.com)>; Sarah Brunn <[sbrunn@ci.foley.mn.us](mailto:sbrunn@ci.foley.mn.us)>; Mark Pappenfus <[mpappenfus@ci.foley.mn.us](mailto:mpappenfus@ci.foley.mn.us)>; Nancy Scott <[nscott64@hotmail.com](mailto:nscott64@hotmail.com)>  
**Subject:** RE: 04313-0108 City of Foley: General Zoning Matters: Benton County - Rezoning Application

Sarah-

Mark and I had another discussion about this property yesterday and agree that getting a 12' easement along the west side of the PID 13.00302.01 is the route to take.

Looking at the record drawings from 1994, I doesn't appear the water main bends to the east until the intersection of Main Street which would keep the water main 15' off of the RW line. But with the discrepancy between the two documents, we don't have 100% certainty. The utility easement would provided that certainty to the City. We also talked about the potential of a sidewalk being added to this side of the property and having an easement there would prevent a building from blocking that sidewalk.

As a note for a future site review, the two storm sewer stubs may need an easement if they are extended. Small utilities were not picked up with either survey and may need to be relocated depending on the site plan.

We should get an easement over the existing storm sewer in the small southwest parcel of PID 13.00302.01 .

Thanks

Jarod R. Griffith, PE (MN)  
Professional Engineer  
Short Elliott Hendrickson, Inc.  
320.229.4304 direct | 218.849.0539 mobile | 320.229.4300 main

Building a Better World for All of Us®  
Follow SEH on Twitter | Facebook | LinkedIn | Instagram

**From:** Adam Ripple <ARipple@rinkenoonan.com>

**Sent:** Monday, January 24, 2022 8:55 AM

**To:** Sarah Brunn <sbrunn@ci.foley.mn.us>; Mark Pappenfus <mpappenfus@ci.foley.mn.us>; Jarod Griffith <jgriffith@sehinc.com>; Nancy Scott <nscott64@hotmail.com>

**Subject:** RE: 04313-0108 City of Foley: General Zoning Matters: Benton County - Rezoning Application

Section 5 Subd 4.4 gives us plenty of authority to require the dedication of additional easements:

4. **Dedications and Dedication Fees.** As a condition of allowing the development of unplatted property the City Council may require that the property owner provide reasonable land, easement and right of way dedications (including applicable park dedications or fees in lieu of land) which would have been required had the property been platted prior to its development.

I agree with Sarah's prior comments that this could be done at the same time as the vacation recording. I also think the rezoning should be conditioned on the sale to the County. That is a large site and if the sale falls apart, we are stuck with any permitted use (or conditional use) for B-1.

One comment I do have is that this rezoning looks like it leaves the neighboring school parcel (PID 130029351) as an island of R-1. Would it make sense to see if the school is willing to have their parcel rezoned to B-1?

Adam A. Ripple  
Attorney

RINKE NOONAN  
Suite 300, US Bank Plaza  
P.O. Box 1497  
St. Cloud, MN 56302  
(320) 251-6700 General  
(320) 257-3868 Direct  
(320) 656-3500 Fax

[website](#) | [email](#) | [bio](#) | [map](#)



RINKE NOONAN  
*attorneys at law*

**From:** Sarah Brunn <sbrunn@ci.foley.mn.us>

**Sent:** Friday, January 21, 2022 2:02 PM

**To:** Mark Pappenfus <mpappenfus@ci.foley.mn.us>; Adam Ripple <ARipple@rinkenoonan.com>; Jarod Griffith <jgriffith@sehinc.com>; Nancy Scott <nscott64@hotmail.com>

**Subject:** Benton County - Rezoning Application

Good afternoon.

Attached is a certificate of survey and rezoning application for Benton County. They are scheduled for the next planning commission meeting on February 14th.

I'd appreciate any comments you have via email by next Friday, January 28<sup>th</sup>.

**City of Foley**  
**Zoning Amendment**  
**Findings & Order**

Date: 2/14/22

Applicant Name: MNCENPRO LLC / Benton County

Property Location: 520 Dewey Street & PID 130073200

Zoning of Property: R-1

Zoning Request: B-1

The following conditions apply to the property request:

1. See attached staff conditions.

2. \_\_\_\_\_

3. \_\_\_\_\_

**THE FOLEY PLANNING COMMISSION RECOMMENDS:**

Approved



Not Approved



Comments: \_\_\_\_\_

2/14/22  
Date

William M. Bunder  
Chair, Foley Planning Commission

**THE FOLEY CITY COUNCIL DETERMINES:**

Approved



Not Approved



Date of Public Hearing: \_\_\_\_\_

Time: \_\_\_\_\_

Results: \_\_\_\_\_

Date

Mayor

## **Benton County Rezoning Request – Planning Commission – 02-14-22**

### **Staff Recommended Conditions:**

- Rezoning approval is contingent upon completion of sale of property to Benton County.
- Vacation documents will be recorded at County. Prior requirements did not require recording but the City and County both recognize the importance of having this done.
- A 12-foot easement is drafted and recorded on the west side of parcel for existing city water and sewer utility mains.
- The county agrees to grant any additional storm sewer easements as needed on the property.
- City will be requesting a sidewalk be incorporated into a future site plan on the west side of the parcel.

Mailed  
2/15/22



## City of Foley

251 4<sup>th</sup> 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)

February 14, 2022

Dear Property Owner,

Enclosed you will find a Notice of Public Hearing scheduled for 5:30 p.m. on March 1, 2022, on the application of MNCENPRO LLC and Benton County to rezone a parcel from "R-1" Residential to "B-1" Central Business.

You are receiving the enclosed Notice of Public Hearing according to the City of Foley Zoning Ordinances, Section 23, whereby individual property owners within 350 feet of the property included in the request shall receive written notice of the public hearing's time, place and purpose for the opportunity to comment on the request.

If you have any questions concerning this notice, please contact the Foley City Hall, 968-7260. Thank you for your time in this matter.

Sincerely,

Sarah A. Brunn  
City Administrator

NOTICE OF PUBLIC HEARING ON A REQUEST  
TO REZONE A PARCEL OF PROPERTY IN THE CITY OF FOLEY

Notice is hereby given, that on the 1<sup>st</sup> day of March, 2022, at 5:30 P.M., at the Foley City Hall, in the City of Foley, pursuant to the City of Foley Zoning Ordinance Section 23, the City Council and the Planning Commission will hold a joint public hearing relating to the request of MNCENPRO LLC/Benton County to rezone the described property below from "R-1" Residential to "B-1" Central Business.

The property is legally described as follows:

Parcel No. 13.00302.01

All of Block Thirteen (13), including the vacated alley running Northeasterly through the center of said Block Thirteen (13) and the vacated alley running Southeasterly from the alley above described to Main Street.

ALSO the vacated Easterly forty (40') feet of that part of FIFTH AVENUE lying between the Southerly line of Dewey Street and the Northerly line of said Main Street, all in FOLEY'S ADDITION TO THE TOWN (now City) OF FOLEY, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota

ALSO: Block "B" of FOLEY'S FIRST ADDITION TO THE TOWN (now City) OF FOLEY

ALSO: A tract of land fifty (50') in width described as : All that part of vacated Main Street lying Easterly of the center of creek known as Stony Brook, and lying Southerly of Lot Ten (10), Block Twelve (12), all being in FOLEY'S FIRST ADDITION TO THE TOWN (now City) OF FOLEY, according to the plat and survey hereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota together with a tract of land 50 feet in width lying between and adjoining said vacated Main Street and the right of way of the Great Northern Railway Company (now abandoned), the Easterly boundary of said tract being a line 10 feet Westerly of and parallel with the Westerly line of Fifth Avenue and the Westerly boundary line being the center of said Stony Brooke.

ALSO:

Parcel No. 13.00732.00

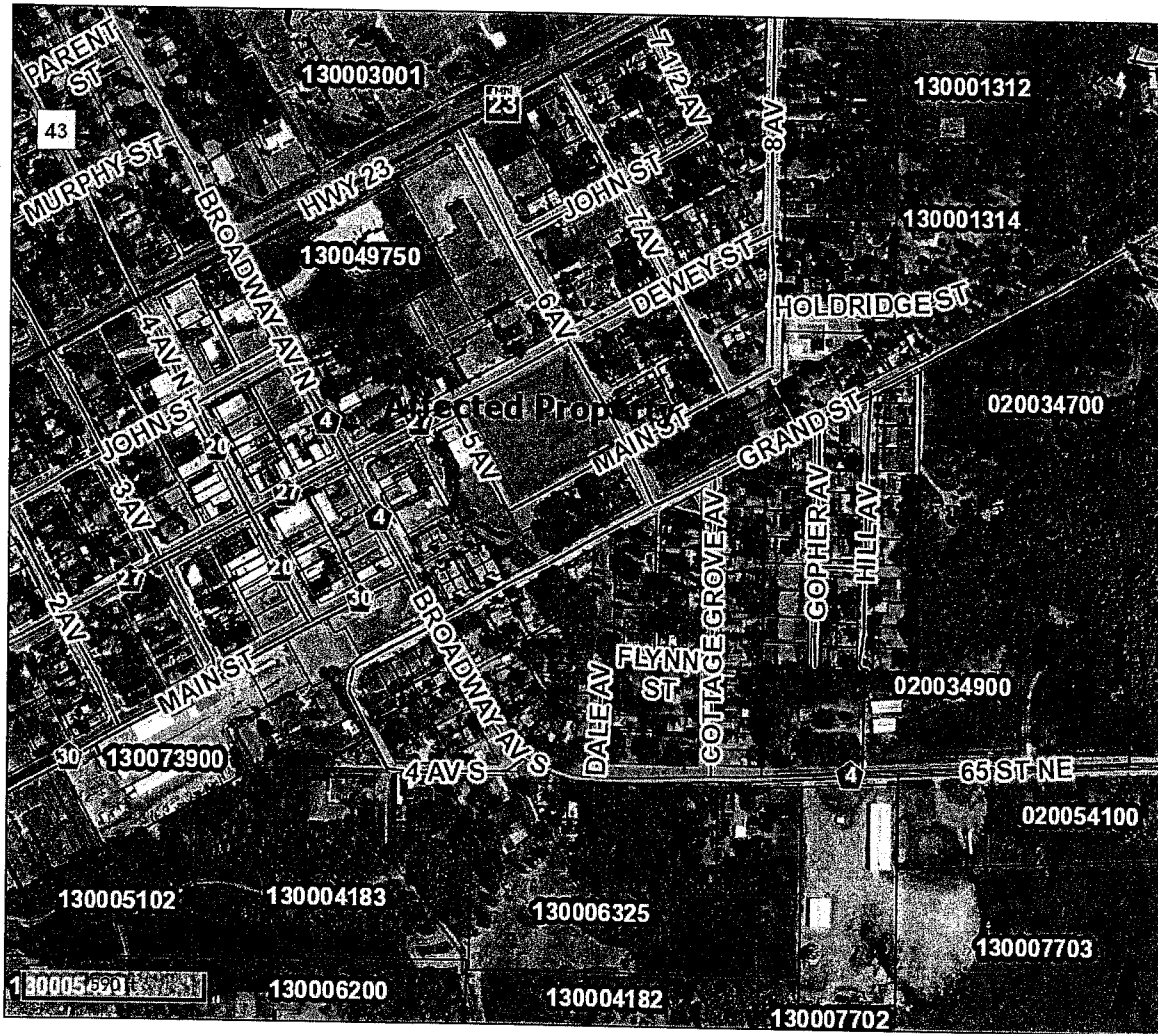
That portion of Lot Five (5), Block Three (3), FOLEY IMPROVEMENT PLAT, which lies Easterly of the centerline of Stony Creek, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota together with all hereditaments and appurtenances belonging thereto.

Anyone wishing to appear with reference to the above rezoning request or conditional use permit request will be heard at this meeting.

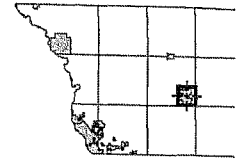
Sarah A. Brunn  
City Administrator



# Beacon<sup>TM</sup> Benton County, MN



## Overview



## Legend

- Parcels
- Highways
- County Roads
- Roads

Parcel ID	130030201	Alternate ID	n/a	Owner Address	MNCENPRO LLC
Sec/Twp/Rng	26-037-029	Class	206 - RES 1-3 UNITS		7751 410TH ST
Property Address	520 DEWEY ST	Acreage	n/a		RICE, MN 56367
	FOLEY				
District	FOLEY				
Brief Tax Description	Sect-26 Twp-037 Range-029 FOLEY'S 1ST ADDITION TO TOWN Lot-001 Block-013 & LOTS 2-13 & ALL VAC ALLEYS WITHIN BLOCK 13 & ELY 40 FT OF VAC 5TH ST LYING ADJ TO BLK 13 & BLOCK 'B' & THAT PART OF FLOUR MILL LOT LYING ELY OF C/L OF STONEY CREEK & THAT PART OF VAC MAIN ST LYING ELY OF C/L OF STONEY CREEK & SLY OF LOT 10 BLK 12				
	(Note: Not to be used on legal documents)				

Date created: 2/9/2022

Last Data Uploaded: 2/9/2022 6:55:13 AM

Developed by Schneider  
GEOSPATIAL

**TO:** FOLEY CITY COUNCIL  
**FROM:** SARAH BRUNN, CITY ADMINISTRATOR  
**SUBJECT:** 03-01-22 –COUNCIL MEETING  
**DATE:** FEBRUARY 25, 2022

---

#### **Consent Agenda**

A transfers resolution is included in the packet. The transfers identified in this resolution are the same ones that are reflected in the adopted 2021 budget and will be made as part of closing entries prior to the audit.

A resolution reestablishing the city's precinct and polling place is required as part of the redistricting process. I'd encourage all council to review the new districts that are being established.

The prior approved part-time police candidate is not able to complete the background process and the personnel committee is recommending to move to the next candidate on the list as identified on the agenda.

#### **Public Hearing – Benton County Rezoning**

The planning commission is recommending approval of the rezoning of the parcel across from the county offices on Dewey Street. A full application and resolution is in the packet, including recommended conditions. The county is looking to use this site as a potential expansion of county offices.

#### **Wastewater Project**

Staff is working through final easement language and prepping for bidding. Much more to come on this item in later March/April.

#### **Highway 23 Project**

Staff was able to resolve the issue regarding the funding from the last meeting and get the language and cost estimates updated in the MnDOT agreement. The mayor & I did sign based on the contingent approval granted at the meeting. Bid opening is tentatively scheduled for March.

#### **Sewer/Water Ordinance Updates**

Staff is still working on this item and will have something for the council to consider in spring. There is also a need to update all references in the entire code book that reference quarterly versus monthly due to the billing cycle change.

#### **Upcoming Reminders:**

**March 14, 2022** – Planning Commission Meeting (if needed)

**March 25, 2022** – Highway 23 Project Bid Opening

**March 30, 2022** – Wastewater Regionalization Project Bid Opening

**April 5, 2022** – Council Meeting