

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – March 1, 2022

The Foley City Council held its regular council meeting on March 1, 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 Swanson, to approve the items on the consent agenda.

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.

Motion carried, unanimous.

Public Hearing – MNCEPO LLC/ Benton County Rezoning Request

Mayor Bettendorf recessed the regular council meeting at 5:32 p.m. for the public hearing on the adoption of Resolution #2022-07 to approve the rezoning request from Benton County. Bettendorf asked if there was anyone present who wished to speak for or against the matter.

Debra Olson, 600 Dewey Street, addressed the council and asked if the county built new offices if that would increase the sewage needs for that area. She stressed that the residence have already paid their portion for the upgrades to the sewer/water system from the 2008 capital improvement project. She also asked about the additional parking needs on city streets in that area of town. She requested that the city of Foley be in compliance with state regulations regarding street parking.

Montgomery Headley, Benton County Administrator, addressed the council and gave an overview of the two parcels of land that the county is currently in negotiations with the owner. The current county building is out of space and more offices are required. The county is already leasing office space.

Purchase of the land is dependent on two conditions – the first being that the land would be rezoned from residential to business. The county's plan is to build on the parcel across the street from the current Benton County offices. There is no site plan at this time. The other contingency on the purchase is determining if the site is clean and free of contamination. During the demolition of the old Foley High School, two buried fuel tanks were found at the site. The County has given approval for

their contractor to move forward with phase 2 to determine if there was any contamination to the soil. If cleared, the county will move forward with the purchase. Headley shared with the council that County Board Member Scott Johnson was with him in the audience and was available to help answer questions. Questions and discussion followed.

Headley continued to answer questions. He informed the council that the county didn't have plans to renovate the old court house. The future of the building is uncertain but there were no plans to tear it down at this time. The smaller parcel would be rezoned but there were no plans to build on it since there are utilities underneath. More discussion followed.

Carol Duckett, 510 Grand Street, addressed the council and said that the tax payers already paid for the current county building and didn't think they should pay for another one. She also expressed concern that the new building would reduce property value along Grand Street because of the traffic. She saw the project as a waste of money.

Discussion followed. Bettendorf restated that the county needs more room because the old court house is not worth fixing.

Sterling Duckett, 510 Grand Street, addressed the council and had questions about who would pay the taxes. He also didn't like the idea of rezoning the lot from residential to business when there are already so many empty business buildings downtown.

Julie Torrell, resident of St. George Township, asked if there was any part of the existing county building that was historical in nature that would need to be maintained rather than dismantled.

Headley addressed the question. The old county offices are not on the historical registry although it is important to the history of Benton County. The building won't be demolished but the county does not have answers on what to do with the old building tonight. More discussion followed.

Sarah Brunn City Administrator addressed some of the questions that audience members asked. The utilities and street assessments will be paid by the county. The site itself is sized appropriately as it was a former high school. The position of the building and other considerations will be addressed in the site plan. The city does consider the impact of the neighborhood traffic and parking in the site plan approval process. Right now the site is zoned an R-1.

Debra Olson, 600 Dewey Street, asked if the utility usage for the school would be sufficient for a new county building. She said if additional improvements are needed the residents shouldn't have to pay for it because they already paid for the 2008 capital improvement project that was in the area.

Mark Pappenfus Public Works Director said that in 2008 the project was done with the idea for future needs. There is more than enough water/sewer capacity to cover.

Sterling Duckett, 510 Grand Street, expressed concerns over the possible ground contamination. He also expressed concerns again over how much the residents would be asked to pay in property taxes.

Brunn explained that it wouldn't be just the residents in the neighborhood – residents throughout the county would help to pay for the new county building. Property taxes were set by the state and the county assessor. Every level of government has tax needs. Valuations go up and down by assessing the value of properties in the entire community.

Bettendorf reconvened the regular council meeting at 5:58 p.m.

Motion by Swanson, seconded by Gondeck, to adopt Resolution #2022-07 Approving Rezoning Request.

Motion carried, unanimous.

Mayor's Comments & Open Forum

Carol Duckett, 510 Grand Street, asked if the city would tell her where her property lines are. She also asked about the property on Dale Street that borders her property and asked who owns it because she would like to buy it. She also wanted to know the procedure for putting up a fence.

Pappenfus explained that the property is city right-of-way. There is a sewer line on that parcel that goes to the stop light. He doubted the council would ever sell it for those reasons.

Brunn explained the procedure required for getting a fence permit. The city does not maintain property lines. It is the property owner's responsibility. A surveyor would be able to help.

Debra Olson, 600 Dewey Street, said that the pins marking her property lines were removed during the 2008 capital improvement project by the contractor and never put back. She also expressed irritation regarding the forced removal of her tree four years ago.

Wade Maurer, 121 Cottage Grove, said his pins were dug up during the same road project and were not replaced.

Carol Duckett, 510 Grand Street, said a neighbor hired a surveyor and they dug a lot of holes.

Julie Torrell, resident of St. George Township, asked how the taxes would be applied if the county built a new building.

Brunn explained that the cost to build the new county building would be shared among all county residents.

Department Reports

Police Department

Chief Katie McMillin gave an overview of the crime stat report. There were 300 calls in February compared to 257 calls during the same time period last year. There have been an increase in calls at the schools and gas drive offs. It is also that time of year when residents will receive letters about their sidewalks if they need to be shoveled. Fun with Police was last week with 17 kids participating. On March 14, the department will have a Senior Fraud class that residents can sign up for through community ed.

City Engineer

Jarod Griffith gave an overview of the Hwy 23 project. The project will advertise for bids until March 25 with construction planned to begin on May 9. The Benton County broadband project is also moving forward. They have surveyed 7 miles with 7 more to go. Discussion followed.

Public Works and Fire Departments

Mark Pappenfus gave a brief update to the council. Public Works has been pushing a lot of snow.

Administrator

Sarah Brunn gave an overview of current projects and upcoming events. The Foley Area Chamber lunch and learn is coming up and it would be a great opportunity for the council to reach out to the business community. She also told the council she would be presenting to the school board on some city projects, including what we're doing to prepare for the housing and growth opportunities.

The Personnel Committee met with the new police department union representatives and it went well. Staff will bring recommendations to the council soon.

Staff also got a request from the veterinary office in town asking to close the street for their yearly horse clinic. Staff is still waiting to get all the paperwork from the vet's office before it can be given to the council to consider so that will come up at the April meeting. Staff is turning monthly water/sewer bills and doing a great job. Lot of questions but going well. We are still holding off on applying late fees to allow for more transition time.

Old Business

Pappenfus told the council that the request for bids for the wastewater project went out today and will remain open until March 30.

Brunn said there was nothing else to add on the Hwy 23 project as it was already reviewed during the City Engineer's report. The rest of the details are in the council packet memo.

New Business

No new business.

Motion by Gondeck, seconded by Swanson, to adjourn.

Motion carried, unanimous.

The meeting adjourned at 6:17 p.m.



Sarah A. Brunn, Administrator

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