



City Council – Meeting Agenda
May 3, 2022 – 5:30 P.M. – Foley City Hall

1. Call/Reconvene the meeting to order.
2. Pledge of Allegiance.
3. Approve the agenda.
4. Consent Agenda:
 - Approve minutes of April 5, 2022.
 - Approve minutes of April 25, 2022.
 - Adopt Resolution #2022-13 ARPA Standard Allowance.
 - Adopt Resolution #2022-14 Accepting Donation.
 - Accept resignation of part-time police officer Brayden Sherman.
 - Approve payment of bills.
 - Approval of The Assessment Agreement – Benton County Assessing Contract.
5. Public Hearing – Sewer Zoning Ordinance Updates
 - Adopt Ordinance #466 – Sewer and Water Connections (Zoning Side)
6. Wastewater Regionalization Project – Construction Services – Jared Voge, Bolton & Menk
7. Bruce Thompson – Discussion on removing sprinkler sewer charge – Section 610 Sewer Charges.
8. Discussion on 45 Highway 23 West – Conditional Use Permit.
9. Mayor’s Comments & Open Forum
10. Department Reports:
 - Police Department –Katie McMillin
 - City Engineer – Jarod Griffith
 - Public Works/Fire – Mark Pappenfus
 - Administration – Sarah Brunn
 - Update on rental license enforcement.
11. Old Business
12. New Business
13. Adjourn

Section 1030 – Motor, Commercial Vehicle, R.V. and Trailer Storage and Parking

Section 1030:00. Purpose. The City Council finds that in order to preserve and protect the health, safety and welfare of the citizens of the City, it is desirable to reduce traffic congestion and facilitate easier and less dangerous passage of motor vehicles on city streets; to increase access for emergency services; to prevent conditions which are likely to create hazardous road conditions or impede or likely to impede the free movement of law enforcement, fire, health or other emergency traffic or citizens motor travel; and to preserve the character of the neighborhood of residential zoned districts.

The intent and purpose of this Ordinance is to establish regulations on the parking of Motor and Commercial Vehicles, Recreational Vehicles, Equipment and Utility Trailers on and within public rights-of-way.

Nothing contained herein shall be construed as exempting a Motor or Commercial Vehicle, Recreational Vehicle, Equipment or Utility Trailer from the application of federal, state, and local laws, rules, regulations and ordinances, including, but not limited to, licensing requirements, other parking and traffic regulations, laws and ordinances governing hazardous property and nuisances and Minnesota Statutes Chapter 168B – regulating junked, abandoned and unauthorized vehicles.

Section 1030:02. Application. All Motor and Commercial Vehicles, Semi-Trailers, Trailers, Trucks, Truck-Trailers, Recreational Vehicles, Equipment and Utility Trailers parked or stored, on or within a public right-of-way, or on private property, shall be subject to this Ordinance. Nothing in this Ordinance shall limit the number of or prohibit the parking and/or storage of any vehicle, equipment or trailer when fully enclosed within a garage or any other accessory storage building as allowed by Ordinance.

Section 1030:04. Definitions. For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein:

- A. Commercial Vehicle. Commercial vehicle shall be defined as all motor vehicles used for the transportation of passengers for hire, goods, wares, or merchandise, weighing 15,000 pounds gross vehicle weight, or more, without (are you sure we don't mean with load as GVW includes total loaded weight) load, OR being more than twenty-two (22) feet in over-all length OR having more than two (2) axles. Notwithstanding the aforementioned, the term commercial (in general) shall be defined as, but not limited to; of or relating to commerce OR engaged in commerce, OR used primarily in the conduct of a business as opposed to private family or individual use, OR for the purpose of making a profit. Commercial vehicles may also be identified by signage on the unit. Provisions of this ordinance shall apply to vehicles such as, but not limited to: semi-trailers, truck-tractors, tanker-trucks, construction vehicles including backhoes, bobcats, bucket loaders, track vehicles, buses, garbage hauling trucks and dumpsters.
- B. Crosswalk. The term Crosswalk shall mean: (1) that portion of a roadway ordinarily included with the prolongation or connection of the lateral lines of sidewalks at intersections, or (2) any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- C. Driveway. Driveway shall mean the improved or unimproved place on private property that a vehicle would have to travel over in a direct path in order to enter a garage or carport, or to enter an exterior or interior side yard immediately adjacent to a garage or carport, from a designated entry/exit point on a public right-of-way.

- D. Driveway Approach. Driveway approach shall mean the area, construction or facility between the roadway of a public street and private property intended to provide access for vehicles from a roadway or a public street to private property. For clarification, a driveway approach must provide access to something definite on private property such as a parking area, a driveway, or a door intended and used for the entrance of vehicles.
- E. Intersection. Intersection shall mean the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two streets which join one another, at, or approximately at, right angles, or the area within which vehicle traveling upon different highways joining at any other angle may come in conflict.
- F. Motor Vehicle. A Motor Vehicle shall mean a device or piece of mechanized equipment for the purpose of transporting passengers, goods, or apparatus' that is propelled other than by muscular power.
- G. Parking Surface. A hard surfaced driveway, or surface area constructed of concrete, blacktop (asphalt) or a similar hard, durable, and dust-free permanent surface designed to properly drain surface water and prevent water drainage onto adjacent properties or walkways as regulated in the City of Foley Zoning Ordinance #319. Crushed granite or similar dust-free aggregate are only allowed as provided in Section 1030:12, Subdivision 3; gravel, and reclaimed or blacktop (asphalt) millings are prohibited.
 - 1.) A Parking Surface for parking or storage shall be located no closer than ~~five~~ ~~(5)~~ **three (3)** feet to a side lot line, or the required side yard setback, whichever is less. **(An outbuilding can be 3' from the side yard but the parking surface has to be 5' – should this be changed to 3'. And 1030:12, Sub. 4 let's trailers be 3' from the line. Received this question several times.)**
- H. Recreational Vehicle. Recreational Vehicle (RV) shall mean that class of vehicles that are not for commercial use, but intended for recreational use, including, but not limited to: a motor home, travel trailer, camper shell, cab-over-camper, fifth wheel, tent and camping trailers, boats (whether mounted on a trailer or not), off-highway vehicles, all-terrain vehicles (ATV's), snowmobiles, sand/dune buggies, personal watercraft, lawn/garden tractors, golf carts, and go-carts.
- I. Routine / Routinely. A period of time exceeding 24 hours.
- J. Semi-Trailer. Semi-trailer shall be defined as a vehicle of the trailer type so designed and used in conjunction with a truck-tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and shall include a trailer drawn by a truck-tractor semi-trailer combination.
- K. Stored / Storage. Stored or Storage shall be defined as a means to put away or keep for use in the future. Any motor vehicle, equipment or trailer as defined in the Ordinance, maintained in approximately the same location, on the same site or property, for 24 hours or more shall be deemed stored.
- L. Trailer. Trailer shall be defined as any vehicle designed for carrying property or passengers in its own structure and for being drawn by a motor vehicle but shall not include a trailer drawn by a truck-tractor semi-trailer combination, or an auxiliary axle on a motor vehicle which carries a portion of the weight of the motor vehicle to which it is attached.

- M. Truck. Truck shall be defined as any motor vehicle designed and used for carrying things other than passengers, except pickup trucks and vans with a manufacturer's normal capacity of 1 ton or less and commonly known as a pickup truck.
- N. Truck-Tractor. Truck-tractor shall be defined as a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn, AND a motor vehicle designed and used primarily for drawing other vehicles used exclusively for transporting motor vehicles and capable of carrying motor vehicles on its own structure.
- O. Utility Trailer. Utility trailer shall mean a non-motorized unit not defined as a recreational vehicle that has an axle and a frame that can be used to haul any type of material or equipment for recreational, non-commercial or agricultural purposes such as, but not limited to, boat trailers, horse trailers, trailers mounted with recreational vehicles such as a water craft or off-road vehicles, or implements of husbandry.
- P. Vehicle. For the purpose of this Ordinance, Vehicle shall refer to any of the aforementioned definitions including, but not limited to motor vehicle, commercial vehicle, semi-trailers, trailers, trucks, truck-tractors, RV's, equipment or utility trailers.
- Q. Gravel. Gravel shall mean crushed limestone or other non-granite aggregate containing fine materials often referred to as "Class 5 Gravel," "Class 2 Buff Limestone," "Class 2 Red Limestone," or other typical road base materials.

Section 1030:06. Parking Regulations.

Subdivision 1. No public street, property, alley or right-of-way shall be used for the storage of Motor Vehicles, Commercial Vehicles, RV's, Equipment or Utility Trailers.

Subdivision 2. In no instance shall a Vehicle be parked or stored where any portion thereof blocks or overhangs the sidewalk, trail way, boulevard or curb within the public right-of-way.

Subdivision 3. A Vehicle shall not be parked or stored where such parking or storage constitutes a clear and demonstrable traffic hazard and/or threat to public health and safety such as obstruction of sight lines or flow of traffic.

Subdivision 4. A Vehicle shall not be parked within the vehicular travel portion, or driving lane, of any public or private street or roadway.

Subdivision 5. It is unlawful for any person to stop, stand, store or park a Vehicle in any of the following places, except when necessary to avoid conflict with other traffic, OR if in compliance with the specific directions of a traffic-control device or a person authorized under this code to direct traffic:

- a. in front of the access to a public or private driveway or trail way including the driveway apron, curb cut and/or curb return;
- b. within ten (10) feet of a fire hydrant or a mailbox;
- c. on any surface other than a Parking Surface as defined by City Ordinance;
- d. at any place where official signs prohibit or restrict stopping, parking or both;
- e. within ten (10) feet of any Intersection or Crosswalk.

Subdivision 6. All Utility Trailers/RV's/Boats must be attached to the tow vehicle if parked on a public street. Any owner of a detached Utility Trailer parked on the public street for any length of time will be subject to immediate citation and/or to the removal of the Utility Trailer at the owner's expense.

Subdivision 7. When parked or stored within the City, Commercial Vehicles, Semi-Trailers, Trucks, Truck-Trailers, Motor Vehicles, RV's, Equipment or Utility Trailers shall be kept neat and clean at all times. Debris, excessive dirt, spider webs, weed accumulation on and under such units are prohibited at all times as are broken windows and flat tires. In no case shall any Vehicle be used as a storage unit. Any Vehicle parked or stored in violation of this ordinance or which constitutes nuisance or hazardous conditions shall be declared a nuisance and subject to abatement.

Subdivision 8. All covers, tarps or any other material employed to protect a stored Vehicle from the elements must be secured and be weatherproof. Rocks/bricks or other weighted items shall not be used to secure the weatherproofing cover.

Subdivision 9. In no instances shall any Vehicle be parked or stored in driveways or unenclosed areas visible to the public, including a Parking Surface as defined above, unless it is in a fully-operational condition bearing current registration (if licensing required by MN Department of Motor Vehicle or any other State authority for use).

Subdivision 10. At no time shall any Vehicle be parked and/or stored on a residential lot that has no principal structure, however, this subsection shall not apply if:

- a. said lot is adjacent to a lot on which there is an occupied residence; AND
- b. both lots are under common ownership; AND
- c. the Vehicle parked and/or stored on the vacant lot is owned by and license and/or registered to the occupant of the resident on said adjacent lot.

Section 1030:08. Commercial Vehicle Storage.

Subdivision 1. One Commercial Vehicle having a licensed gross vehicle weight over 15,000 pounds may be parked on private property in any residential zoned district provided it meets the following requirements:

- a. the owner or operator of the vehicle must reside on the property; AND
- b. the vehicle shall be parked on a hard surface driveway in compliance with the applicable zoning district requirements; AND
- c. the permitted vehicle shall be parked at least ten (10) feet from the front property line and five (5) feet from the side property line; AND
- d. noise from idling of the engine shall not exceed regulations of the existing noise ordinance. The vehicle's engine shall not be idled for more than thirty (30) minutes in any one (1) hour period. In no circumstance may the engine idle for more than two periods, lasting thirty (30) minutes each, in one twenty-four (24) hour period. For purposes of this section, idling shall mean running the vehicle engine for more than three (3) minutes. In no instance shall the vehicle's engine idle (3 minutes) in violation of this or any other ordinance between the hours of 10:30 p.m. and 7:00 a.m.

Section 1030:10. Recreational Vehicle Storage.

Subdivision 1. At no time shall any Vehicle be used for primary living or housekeeping purpose.

- a. Exceptions may be granted for travelers or out of town guests visiting with prior notification to the City Administrator for a period not to exceed seven (7) days.

Subdivision 2. Recreational vehicles shall be mobile and shall not be permanently affixed in the ground in a manner that would prevent removal.

Subdivision 3. Unmounted slide-in pickup campers shall be stored no higher than twenty (20) inches above the ground and shall be securely supported at all four (4) corners by solid support blocks or support mechanisms.

Subdivision 4. Except for routine maintenance or during emergency conditions when power supply is disrupted, the operation of a recreation vehicle generator plant shall not be permitted in residential districts. For the purpose of this subdivision, routine maintenance periods shall not exceed sixty (60) minutes per month.

Section 1030:12. Storage On Residential Lots.

Subdivision 1. No Motor or Commercial Vehicle, RV, Equipment, or Utility Trailer shall be routinely parked on an unsurfaced area, such as dirt or vegetation, in the front yard (or within the front yard setbacks) of residential lots.

Subdivision 2. Storage of Vehicles shall be limited to a garage or other permitted accessory structure, or designated driveway areas in the front yard of residential properties.

- a. The unenclosed parking and/or storage of Vehicles shall be limited to a total number of six (6) units parked upon the hard surfaced driveway or a Parking Surface as defined above, within the front of a residential lot.
- b. Notwithstanding the provisions of this section, Vehicles may be parked temporarily on an unsurfaced area of the front yard of a residential lot overnight as is necessary to comply with winter parking regulations from November 1 to April (1) add a specific date for April?, OR for a period not to exceed 24 hours, to load, unload, clean or repair the Vehicle year-round. At no time shall a vehicle be parked on public right-of-way as regulated by Section 1030:06.
- c. This subdivision shall not be construed to allow parking or storage of nuisance, junked or abandoned vehicles or units otherwise prohibited by any other ordinance or subdivision.

Subdivision 3. All Vehicles in the side yard shall be parked or stored on a Parking Surface as defined by this Ordinance. ~~Parking Surfaces in the side yard may include crushed granite or similar dust free aggregate not to exceed an aggregate size of 1 ½ inch in diameter; gravel is prohibited. If parking surface is made of crushed granite or similar dust free aggregate, only as allowed by Section 1030:12, the area must also be contained by a barrier and underlain with a fabric or plastic barrier to prevent weed or grass growth through the aggregate area.~~ Utility trailers, off-highway vehicles, all-terrain vehicles (ATV's), snowmobiles, sand/dune buggies, personal watercraft, lawn/garden tractors, golf carts, and go-carts parked in the side yard may be

parked on unsurfaced areas in lieu of a Parking Surface, provided the area under and around the Trailer is maintained free of tall grass or weeds per City of Foley Zoning Ordinance 1145.

Subdivision 4. ~~Vehicles~~ Utility trailers/RV's/Boats parked within a back yard shall comply with rear and side yard setback requirements applicable to accessory structures ~~and shall be parked or stored on a Parking Surface as defined by this Ordinance~~ and all other applicable ordinances. ~~Parking Surfaces in the back yard may include crushed granite or similar dust-free aggregate; gravel is prohibited. If parking surface is made of crushed granite or similar dust-free aggregate, only as allowed by Section 1030:12, the area must also be contained by a barrier and underlain with a fabric or plastic barrier to prevent weed or grass growth through the aggregate area.~~ Utility trailers and Non-Motorized Recreational Vehicles along with off-highway vehicles, all-terrain vehicles (ATV's), snowmobiles, sand/dune buggies, personal watercraft, lawn/garden tractors, golf carts, and go-carts may be parked in the back yard may be parked on unsurfaced areas in lieu of a Parking Surface, provided the area under and around the Trailer is maintained free of tall grass or weeds per City of Foley Zoning Ordinance 1145.

Subdivision 5. Vehicles stored on a property shall be subject to the height provisions of "Accessory Buildings" of the City of Foley Zoning Ordinance 319.

Section 1030:14. Exceptions.

Subdivision 1. The above provisions shall not apply to those Vehicles temporarily parked by the driver thereof, for the purpose of being loaded or unloaded while making actual deliveries of goods and merchandise; OR while engaged in construction, general repair, moving or other type of commercial work; OR parked for temporary maintenance or emergency repairs not to exceed 24 hours providing that such parking does not impair the regular flow of traffic or cause an undue safety concern.

Subdivision 2. The provisions of this Ordinance shall not apply to street construction, maintenance, and repair equipment trailers or vehicles used by the public service utility companies engaged in repairing or extending public service utilities.

Section 1030:16. Variance. Minor modifications or adjustments to this Ordinance may be administratively approved by the City Administrator by means of a Motor Vehicle Parking Variance where conditions such as, but not limited to, lot size, lot construction or improvements warrant a minor modification or adjustment. If the City Administrator cannot make such a determination, the matter may be appealed to the City's Planning Commission with the appropriate application for variance process and appeal fee filed. In no instance shall a modification or adjustment be made to the provisions of this Ordinance if it violates a safety concern/regulation of this or any other City Ordinance.

Section 1030:18. Enforcement and Penalty.

Subdivision 1. Notice of Violation. When a property owner permits or allows the parking and/or storage of a Vehicle to exist in violation of this Ordinance, the City Administrator, or Law Enforcement Officer, may serve notice upon said owner ordering the owner to remove the vehicle within five (5) days of the date of the notice. The notice shall state that in case of noncompliance the City shall have the vehicle removed from the premises at the expense of the owner and that if unpaid, the charge for such towing will be made a special assessment against the property concerned. The notice shall also inform the property owner that the order may be appealed by filing a written notice of appeal with the City Administrator within the five (5) days of the date of notice.

Subdivision 2. Appeal. If an owner who received notice to remove a vehicle provided for by this Ordinance believes that the order has been wrongly issued, said owner may appeal the order by

filing with the City Administrator a written notice of appeal within five (5) days of the date of the notice. Upon receipt of notice of an appeal the City Administrator shall place the matter on the next regular Council Agenda, when the matter will be heard by the City Council. The owner may present testimony and information to the Council, as may the City Administrator, City staff, and other concerned citizens. After due consideration, the City Council shall decide whether the order will stand. In the event the Council determines that the order is appropriate, the owner shall have three (3) days from the date of the Council's decision to comply with the order.

Subdivision 3. Failure to Comply. If an owner who has received an order under this Ordinance fails to comply within the applicable time frame, the City may remove the vehicle in violation of

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this ordinance from the premises. The City Administrator shall keep a record showing the cost of such.

Subdivision 4. Owner Responsible for Payment. In the event the City is required to take action to bring any property in compliance with this Ordinance, the owner of the property shall be responsible to pay all such costs and expenses incurred by the City (including costs and expenses associated with City Staff time). Upon determining such costs and expenses of the City, the owner of the property will be sent an invoice by regular mail (sent to the address shown on the property tax statement for the property). In the event the invoice is not paid in full within thirty (30) days of the date of mailing, the City Clerk may certify said expenses to the City Council for assessment against the property. Thereupon, said costs and expenses shall become a levied special assessment against the property to be paid in the following year together with the property taxes.

Section 1030:20. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 1030:22. Adherence To Any Other Ordinance. The parking and/or storage of any Vehicle within the City of Foley shall comply with all applicable requirements and/or provisions of this or any other existing City Ordinance including but not limited to the ordinances regulating noise, public nuisance, zoning, traffic and winter parking.

Section 1030:24. Effective Date. This Ordinance shall be effective upon its passage and publication.

Chapter X – TRAFFIC REGULATIONS of the 1974 Code of Ordinance was amended by Ordinance Number 448 amending Section 1030:04 G, Parking Surfaces; Section 1030:04 added Q, Gravel; Section 1030:12 G, Subdivision 3 & 4, adopted April 7, 2020, published and effective April 14, 2020.

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – April 5, 2022

The Foley City Council held its regular council meeting on April 5, 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 Swanson, seconded by Gondeck, to approve the agenda.

Motion carried, unanimous.

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

Consent Agenda:

- Approve minutes of March 1, 2022.
- Adopt Resolution #2022-10 Supporting Housing and Local Decision-Making Authority.
- Approve indemnification agreement with Foley Vet Clinic and close 3rd Avenue for horse clinic on April 9, 2022.
- Authorize hiring process for part-time police officer eligibility list.
- Approve seasonal employee rates for 2022.
- Adopt Ordinance #464 Rate Structure Changes – ordinance language cleanup – “quarterly to monthly” and referencing current rate structure.
- Adopt Resolution #2022-09 Joint Powers Agreement.
- Approve Court Data Services Subscriber Agreement.
- Approve CJDN Fee Structure.
- Approve Sanitary Sewer Extension Permit Application (Hwy 23 Project).
- Approve Utility Accommodation Application (Hwy 23 Project).
- Approve payment of bills.

Motion carried, unanimous.

Foley Wastewater Regionalization Project

Sarah Brunn City Administrator gave an overview to the council regarding the two bids received for the wastewater project. The engineer will make a recommendation on the bid. There will be some changes to the final numbers for the project, but this is the best estimate we have at this point. Construction costs are estimated at \$16.5 million. An additional connection fee to buy into the St. Cloud system will be \$6.3 million. This number needs to be updated. It depends on the date of the connection. Total costs are estimated at \$25 million which include construction and estimated engineering. PSIG funds will cap at 80% of the construction costs. We might be eligible for more PSIG money if the state makes changes to the cap. Interest rates keep going up. Estimating a yearly \$387,000 to the city of St. Cloud for 300,000 gallons per day. Staff is estimating another rate increase next year to help prepare for additional costs. Estimated costs for easements is \$23,000 that are requesting council approval at the meeting.

Motion by Musachio, seconded by Swanson, to purchase the easement required for the wastewater project.

Motion carried, unanimous.

Jared Voge Principal Engineer from Bolton & Menk gave an overview of Resolution #2022-11 Reimbursement of PFA Loan Funds/Grant Funds. Bolton & Menk is preparing the Minnesota Public Facilities Authority (PFA) loan application for the wastewater project and recommended the council adopt the resolution.

Motion by Gondeck, seconded by Musachio, to approve Resolution #2022-11.

Motion carried, unanimous.

Voge also gave an overview of the two bids received for the wastewater project. After reviewing the bids, Bolton & Menk recommends the council award the contract to Geislinger & Sons for \$15,960,705.51 by adopting Resolution #2022-12 Awarding Project. The resolution also approves accepting the addendum. Discussion and questions followed.

Motion made by Swanson, seconded by Gondeck, to approve Resolution #2022-12.

Motion carried, unanimous.

Mayor's Open Forum

No one spoke.

Department Reports

Police Department

Chief Katie McMillin gave an overview to the council on the monthly stat report for March. The department responded to 253 calls. Traffic enforcement was up as well as miscellaneous calls, which included 21 calls to assist motorists. Thefts and domestic calls were down. McMillin reminded the council the Bike Rodeo will be held on June 18. The department will also host a new event – a root beer float social on July 7.

City Engineer

Jarod Griffith city engineer gave a brief update of Benton County's fiber project. Benton County Board members Scott Johnson and Jared Gapinski also spoke to the council. The county is making progress. The next step will be to coordinate with the city on a construction schedule as the same corridor will be used for the wastewater and fiber projects. Discussion and questions followed. Councilmember Jeff Gondeck expressed appreciation for the spirit of cooperation between the county and the city. Mayor Bettendorf also expressed appreciation for the county and said the city would help in any way they could.

Public Works and Fire Department

Mark Pappenfus updated the council regarding the new vacuum truck. Public Works took delivery of the truck last week and began training. It's a very nice truck. The old truck was traded in. Pappenfus

also reminded the council that the department took delivery of a new pickup truck last year and asked for the council's authorization to sell the old pickup truck by sealed bid.

Motion by Gondeck, seconded by Musachio, to authorize selling the old pickup truck.

Discussion and questions followed regarding whether it would be better to sell the truck through sealed bid or auction. Brunn suggested setting a minimum bid on a sealed bid. Pappenfus said he would be open to either a sealed bid or auction. Staff would look into what would be better.

Motion carried, unanimous.

Pappenfus gave an overview of the Silversmith Utility Management System for day-to-day operations through tablets. The cost would run \$2,000 for the software and \$3,000 for the first tablet. A copy of the bid is in the council packet.

Motion by Swanson, seconded by Gondeck, to approve the purchase of the Silversmith Software

Pappenfus also told the council he is hoping the sale of the old truck will pay for the new plow for the 2022 truck.

Motion by Musachio, seconded by Swanson, to approve the purchase of a new plow for the 2022 truck.

Motion carried, unanimous.

Administration

Sarah Brunn city administrator gave an overview of Ordinance #465, which would amend the city's regulations on sewer connections. The biggest change would require property owners connect to city's services if connections are within 150 feet of the property line. The previous ordinance said 150 feet from the structure. The ordinance would also include a hardship clause (unusual circumstances) where connecting wouldn't be required if it was unreasonable. The goal of the ordinance is to provide city services when property owners were within a reasonable distance. Discussion and questions followed.

Motion by Gondeck, seconded by Swanson, to approve Ordinance #465.

Motion carried, unanimous.

Brunn also updated the council on the pool operations for the 2022 season. The council approved the increase in wages for the seasonal staff in the consent agenda. Staff is also looking to increasing lesson fees. No change in pool operation hours. Will begin hiring pool staff in April/May. Plan to open the pool on June 8 since school is still in session the first week in June. Brunn also said the plan is to add a new position of cashier to help with staffing.

Brunn reminded the council that the auditors would be in next week and might have questions for council members. It is the same team that did the audit last year.

Brunn gave an update on the downtown stakeholder's meeting with the downtown business owners. Attendees had a good discussion on what business owners needed. Staff is working with the Benton Economic Partnership (BEP) to create an email and developing a program to improve facades and building maintenance. There will be more discussions in the coming months. Staff also applied for some state revitalization funding. She said more updates would be coming.

Old Business

Jarod Griffith city engineer gave an overview on the Hwy 23 project. Bids were opened on March 25. The lowest bid was a million dollars over the total project estimate. This was 6.4% over the estimate project cost, which is considered reasonable in this market. There's a lot of information that is not yet public knowledge. We don't know what the city cost will be at this time. Tonight we're just looking for direction on potential changes for the project. The project should be awarded in the next few weeks. It's possible we'll have a second council meeting in April when we'll be able to present more information on city costs related to the project. We'll keep the council posted. Construction is expected to start on May 9.

New Business

At this time, the Mayor Bettendorf invited the members of the Planning Commission to sit at the front of the room for the joint session with the city council to discuss the Parking and Storage Ordinance. The council had put a temporary pause on enforcing the ordinance.

Discussion and questions followed with all members present agreeing that the ordinance was needed to help keep the town looking nice and should continue to be enforced. Chief McMillin said that the majority of residents had complied and there were only a few residents that hadn't at the time the council had decided to pause enforcement last year.

McMillin asked the council if they would like her to enforce the ordinance. She also asked the council for clear direction on what/how she should enforce. McMillin also asked the council that if they want her to enforce the ordinance to please support her when residents complain about enforcement. Discussion followed.

Brunn added that staff had received clarification from the city attorney after some residents were arguing against the ordinance. The same residents were still arguing against the attorney's interpretation.

Discussion continued regarding parking vehicles and trailers in the backyard and the use of gravel as a parking surface versus allowing residents to park vehicles directly on the grass as long as they kept the grass under/around the vehicles mowed. Robust discussion continued at length.

The discussion ended with the council asking Chief McMillin to continue to hold off on enforcement and asking staff to make a recommendation on some rewording of the ordinance regarding parking in the backyard.

Motion by Gondeck, seconded by Swanson, to adjourn.

Motion carried, unanimous.

The meeting adjourned at 7:15 p.m.

Sarah A. Brunn, Administrator
(Minutes By: Sara- Judson Brown, Administrative Assistant)

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – April 25, 2022

The Foley City Council held a special council meeting on April 25, 2022, at 5:00 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 Swanson, seconded by Gondeck, to approve the agenda.

Motion carried, unanimous.

Update on Highway 23 City Utilities

Jarod Griffith city engineer gave an update to the council of the Hwy 23 project and the city's share of the cost. MNDot awarded the bid to Michaels on April 19. The total cost for the city's portion for the project came in at \$1,688,164.06. The bid came in much higher than the original estimate. Griffith explained that city staff reviewed the project to see where the scope of the work could be reduced while still focusing on priorities. He directed the council to their packet showing where the project could be trimmed.

Sarah Brunn addressed the council explaining that the trimmed project is simply to give the council options. They could approve the bid without changes. The bid is significantly more money than was planned. If the project is approved as is, sewer rates would be impacted in order to replenish the cash fund. The city also has other capital expenditures coming up. Without a healthy cash reserve, it could also impact the city's credit rating.

Discussion and questions followed.

Mayor Bettendorf expressed his willingness to approve the trimmed project which would preserve the cash fund for other projects that need to be done and have a higher priority.

More discussion and questions followed.

Motion by Brosh, seconded by Gondeck, to approve the changes to the project.

Motion carried, unanimous.

Supplemental Agreement

Griffith gave an overview of the supplemental agreement for construction services for the council. The dollar amount is currently based on the full scope of the project. This will be reduced to reflect the changes to the trimmed down project.

Discussion and questions followed.

Griffith estimated the reduced amount would be around \$63,000. Brunn explained that what typically happens is the contract is approved on the estimate and then only billed on the actual dollar amount.

Motion by Brosh, seconded by Musachio, to approve the supplemental agreement for construction services.

Motion carried, unanimous.

Motion by Swanson, seconded by Gondeck, to adjourn.

Motion carried, unanimous.

The meeting adjourned at 5:30 p.m.

Sarah A. Brunn, Administrator

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

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2022 - 13

A RESOLUTION TO ELECT THE STANDARD ALLOWANCE AVAILABLE UNDER
THE REVENUE LOSS PROVISION OF THE CORONAVIRUS LOCAL FISCAL
RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT

WHEREAS, Congress adopted the American Rescue Plan Act in March 2021 (“ARPA”) which included \$65 billion in recovery funds for cities across the county; and

WHEREAS, ARPA funds are intended to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses; and

WHEREAS, The Fiscal Recovery Funds provides for \$19.53 billion in payments to be made to State and territories which will distribute the funds to non-entitlement units of local government (NEUs); and

WHEREAS, The ARPA requires that States and territories allocate funding to NEUs in an amount that bears the same proportion as the population of NEU bears to the total population of all NEUs in the State or territory; and

WHEREAS, \$ 292,111.42 has been allocated to the City of Foley pursuant to the ARPA; and

WHEREAS, The Coronavirus State and Local Fiscal Recovery Funds ensures that governments have the resources needed to fight the pandemic and support families and businesses struggling with its public health and economic impacts, maintain vital public services, even amid declines in revenue, and build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity; and

WHEREAS, In May 2021, the US Department of Treasury (“Treasury”) published the Interim Final Rule describing eligible and ineligible uses of funds as well as other program provisions, sought feedback from the public on these program rules, and began to distribute funds; and

WHEREAS, on January 6, 2022, Treasury issued the final rule. The final rule delivers broader flexibility and greater simplicity in the program, responsive to feedback in the comment process; and

WHEREAS, the final rule offers a standard allowance for revenue loss of up to \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation; and

WHEREAS, recipients that select the standard allowance may use that amount, in many cases their full award, for government services, with streamlined reporting requirements; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Foley, Minnesota, the City elects the Standard Allowance available under the revenue loss provision of the American Rescue Plan Act in the amount of \$ 292,111.42 to be used for the general provision of government services

Passed and Adopted by the Council on this 3rd day of May, 2022.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2022-14

A RESOLUTION ACCEPTING DONATIONS TO PLANT TREES

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, Ruth Duhamel has offered to donate funds to plant trees in memory of Dick Duhamel, 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 this donation is hereby accepted for use by the City of Foley.

BE IT FURTHER RESOLVED that the City extends its sincere appreciation to Ruth Duhamel for her generous donation. The city would also like to recognize Dick Duhamel's service in the Peace Corps, and hopes that the trees serve as a fitting reminder to his commitment to peace.

PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota, this 3rd day of May 2022.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

Bills List - May 3rd, 2022

| | | | |
|--------------------|------------------------|----|-----------|
| Gross Salaries | Payroll -3/11/22 | \$ | 32,561.85 |
| EFTPS | Federal Withholding | \$ | 5,450.59 |
| MN Dept of Revenue | State Withholding | \$ | 1,055.15 |
| State Treas. PERA | PERA | \$ | 6,194.89 |
| Nationwide | Deferred Comp | \$ | 1,002.85 |
| Pacific Life Ins | Deferred Comp/Roth IRA | \$ | 70.00 |
| Further | HSA Contribution | \$ | 2,034.79 |

| | | | |
|--------------------|------------------------|----|-----------|
| Gross Salaries | Payroll -3/25/22 | \$ | 31,748.61 |
| EFTPS | Federal Withholding | \$ | 5,677.08 |
| MN Dept of Revenue | State Withholding | \$ | 1,098.75 |
| State Treas. PERA | PERA | \$ | 5,978.27 |
| 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 |

Already Paid 4/2022

| | | | |
|----------------------------------|------------------------|----|----------|
| Holewa, Joe | Utility Billing Refund | \$ | 36.80 |
| Schumacher, Bryon | Utility Billing Refund | \$ | 50.94 |
| Robert and Roxanne Rothfork | WW Easement payment | \$ | 5,800.00 |
| David and Kevin Schefers | WW Easement payment | \$ | 300.00 |
| Eugene and Shirley Rudolph | WW Easement payment | \$ | 1,000.00 |
| Robert Jr and Ashton Neis | WW Easement payment | \$ | 1,200.00 |
| John and Heidi Janku | WW Easement payment | \$ | 200.00 |
| George Besser Trust | WW Easement payment | \$ | 7,433.00 |
| LeRoy and Catherine Herbst Trust | WW Easement payment | \$ | 7,600.00 |

To Be Paid - 5/3/2022

| | | | |
|----------------------------------|---|----|-----------|
| Dungarvin Minnesota | Utility Billing Refund | \$ | 50.71 |
| New Life Church | Utility Billing Refund | \$ | 50.22 |
| Sun Life Assurance | Employee LTD | \$ | 532.94 |
| Health Partners | Insurance premium April | \$ | 13,690.04 |
| MN Department of Revenue | Sales and Use Tax -April | \$ | 555.00 |
| Accurate Radar Specialties | PD Radar maintainece | \$ | 70.00 |
| AED Superstore | PD Supplies | \$ | 189.17 |
| Benton County Attorney | Legal Fees March | \$ | 297.00 |
| Benton County Highway Department | PD Fuel March | \$ | 1,101.51 |
| Benton County Recording | Recording Fees WW Expansion Easements | \$ | 230.00 |
| Bureau OF Criminal Apprehension | BCA access fee March-June | \$ | 200.00 |
| Boy Scouts Troop 10 | Cleanup day Score Funds | \$ | 5,000.00 |
| Central McGowan | FD & PD Medical Supplies | \$ | 166.90 |
| Cintas | Uniforms | \$ | 315.49 |
| Compass Minerals | PW Sand/Salt | \$ | 3,873.86 |
| Core Professionals | PD Professional Services | \$ | 250.00 |
| Coborn's | PW and City Hall Supplies | \$ | 149.33 |
| Delta Dental | Employee Dental Insurance | \$ | 2,531.20 |
| Further | Employer HSA Contribution and Admin Fee | \$ | 30.35 |
| MN Unemployment Insurance | 2022 Quarter 1 Unemplment insurance | \$ | 2,413.19 |
| Emergency Automotice Tech | PW vehicle Maintense | \$ | 238.96 |
| Emergency Medical Products | FD Medical Supplies | \$ | 286.60 |
| First National Bank of Omaha | April CC purchases | \$ | 1,224.04 |
| Granite Electronics | PW Radio Maintense | \$ | 191.00 |
| HandyMan's Hardware | PW Shed Maintense | \$ | 32.94 |
| Hawkins | Pool & PW Water Chemicals | \$ | 4,324.12 |
| Helmin Construction | PW Sand-Class 5 | \$ | 104.68 |
| Jim Moshier | PW Snow Hauling | \$ | 837.00 |
| Midco | Phone & Internet Services | \$ | 816.50 |
| Marco | Copier Lease | \$ | 261.07 |
| Metro Radiator | PW Boom Truck Maintense | \$ | 867.00 |

| | | | |
|--------------------------------|---|----|----------------------|
| MN Pollution Control Agency | 2022 Wastewater permit fee | \$ | 1,760.00 |
| MR Sign | PW Street Signs | \$ | 970.62 |
| National Business Furniture | City Hall supplies | \$ | 1,422.72 |
| Nuss Truck Equipment | PW vehicle Maintense | \$ | 652.90 |
| Royal Tire | PW Sewer Vac Truck | \$ | 3,235.60 |
| RMP Environmental Laboratories | Water & Sewer Testing | \$ | 272.00 |
| Rinke Noonan | Water,Sewer,WW Expansion Easements, General Legal | \$ | 2,949.00 |
| Short Elliott Hendrickson, Inc | Gen Engineeering,PouchtecDewer,WaterPPL | \$ | 6,720.50 |
| Shift Technologies, Inc | IT Services, Antivirus, & Antispam | \$ | 3,503.70 |
| Staples | Office Supplies | \$ | 95.21 |
| Travis Janson | PW Hauling Snow | \$ | 105.00 |
| Tri-County Humane Society | Humane Society Fee | \$ | 75.00 |
| Verizon | PW, PD, FD Cell Phone | \$ | 300.60 |
| USABLE Life | Employee Life Insurance | \$ | 260.50 |
| Van Meter Inc | Shop Supplies | \$ | 164.41 |
| Watch Guard | PD Equipment | \$ | 45.00 |
| Xcel Energy | Utilities | \$ | 6,451.81 |
| Security Locksmith | City Hall Security Locks Installation | \$ | 12,201.35 |
| Electric Motor Service | PW Storage Shed Maintense | \$ | 951.34 |
| Weidner Plumbing & Heating | PW Storage Shed Maintense | \$ | 321.74 |
| Flow Control Automation | PW Well # 4 Meter Repair | \$ | 2,513.00 |
| RecSupply | PW Equipment | \$ | 290.40 |
| MN Department of Health | Water Permit Fee | \$ | 150.00 |
| | | | <hr/> |
| | | | \$ 206,089.43 |

Additional To Be Paid - 5/3/2022

\$ -

I, Brayden Sherman would like to resign from my position as a part time Police Officer with the city of Foley. I have been hired with the Orono Police Department as a full time Police Officer with a start date of 04/25/22. My last date of employment with the city of Foley will be 04/27/22.


Brayden Sherman.

4-13-22

**ASSESSMENT SERVICES AGREEMENT
(City of Foley and Benton County)**

THIS AGREEMENT is made effective this day, _____, 2022, by and between the **CITY OF Foley**, a Minnesota municipal corporation (hereinafter referred to as the “City”), and the **COUNTY OF BENTON**, a political subdivision of the State of Minnesota (hereinafter referred to as the “County”).

RECITALS

- A. The City is entirely within the County and constitutes a separate assessment district.
- B. Minnesota Statutes Sections 273.072 and 471.59 authorize and enable the County Assessor to perform certain assessments on behalf of the City.
- C. The County is willing to cooperate with the City by completing the assessments in a proper manner.
- D. The City and the County desire to enter into an agreement to provide for the assessment of the property within the City by the County Assessor.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

- 1. **Assessments by County Assessor.** All property that lies within the City shall be assessed by the County Assessor, in accordance with the procedures and practices established and observed by the County, beginning with the assessment for the year 2023.
- 2. **Assessment Services.** The property assessment by the County shall be composed of the following assessment services:
 - a. Physically inspect and revalue real property as required by law.
 - b. Physically inspect and value all new construction, additions, and renovations.

- c. Conduct valuation reviews prior to the Board of Review.
 - d. Attend the Board of Review and, per Board request, make all necessary review appraisals.
 - e. Keep updated field card file containing: ownership, current values, property descriptions, classification and sales data.
 - f. Print, mail, and post valuation notices.
 - g. Respond to taxpayers regarding assessment or appraisal problems or inquiries.
 - h. Make divisions and combinations.
 - i. Administer the abatement process pursuant to Minn. Stat. § 375.192.
 - j. Make appraisals for, testify or negotiate all District Court or Tax Court filings.
 - k. Post values from appraisal cards to assessment rolls.
 - l. Adjust estimated market values on those properties not physically inspected as needed per sales analysis.
3. **Necessary Information, Records, Data, and Reports.** All information, records, data, and reports necessary to allow the County to carry out its responsibilities under this Agreement will be furnished to the County without charge by the City and the City agrees to cooperate in good faith with the County in carrying out the work under this Agreement.
4. **Work Space at the City.** The City agrees to furnish, without charge, work space, if needed, for an appraiser to perform such tasks as document review during the City's normal business hours.
5. **Indemnification.** The County agrees to indemnify and hold harmless the City and all of its agents and employees against any and all claims, demands, actions, or causes of action arising out of or by reason of the County's performance of this Agreement.
6. **Employee or Contractor Classification.** It is hereby agreed that any and all employees or contractors of the County engaged in the performance of this Agreement shall be considered employees and/or contractors of the County only

and not of the City, and that any and all claims that may arise under the Worker's Compensation Act of the State of Minnesota and any and all claims made by any third parties as a consequence of any act or omission on the part of said County employees or contactors shall be the sole obligation and responsibility of the County.

7. **Assessment Agreement Term.** This Agreement shall commence on May 1, 2022, and shall terminate on April 30, 2027. Either party may initiate an extension of this Agreement for a term of five (5) years by giving the other party written notice no less than 120 days prior to the termination of this Agreement. If the party who receives said notice to extend gives written notice to the other party of its desire not to extend this Agreement at least 60 days prior to the termination of this Agreement, this Agreement shall extend automatically on April 30, 2027 for an additional five (5) years as per the written notice given.
8. **Compensation.** In consideration of the assessment services, the City agrees to pay the County a fee of \$9.50 per parcel within the physical limits of the City for assessment year 2023, the sum of \$10.00 per parcel within the physical limits of the City for assessment years 2024 and 2025 and \$10.50 per parcel within the physical limits of the City for assessment years 2026 and 2027. The number of parcels shall be determined as of January 1st of the assessment year being done. Compensation shall be paid in two (2) half payments or as agreed by the parties.
9. **Amendments.** This Agreement may be amended or modified only by written agreement signed by authorized representatives of the parties.
10. **Notices.** Any notice which may be given or made by a party hereto under the terms of this Agreement shall be in writing and shall be sent by U.S. Mail or personally delivered to the other party addressed as follows:

| | |
|-----------------------|---|
| To the City of Foley: | Sarah Brunn, City Administrator-Clerk 251 4th AVE N PO Box 709 Foley, MN 56329 |
| To Benton County: | Brian Folden, Benton County Assessor 531 Dewey Street P.O. Box 129 Foley, MN 56329 |
11. **Remote Access.** The City will be allowed at no cost to have access to property Tax & Assessment information through BEACON for Benton County system to be used exclusively for City business. It will not be made accessible to the general public.

CITY OF Foley

Date: _____, 2022.

Mayor

Date: _____, 2022.

City Administrator-Clerk

BENTON COUNTY

Date: _____, 2022.

Chairman

Date: _____, 2022.

County Administrator

Date: _____, 2022.

County Assessor

[illegible]

On this __ day of 2022, before me, a Notary Public for this County, personally appeared _____, to me personally known, who, being by me duly sworn did say that he is the Mayor of the City of Foley, a Minnesota Municipal Corporation named in the foregoing instrument, and that said instrument was signed on behalf of said corporation by authority of its City Council and acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

STATE OF MINNESOTA)
) SS
COUNTY OF)

On this ___ day of 2022, before me, a Notary Public for this County, personally appeared _____, to me personally known, who, being by me duly sworn did say that she is the City Administrator-Clerk of the City of Foley, a Minnesota Municipal Corporation named in the foregoing instrument, and that said instrument was signed on behalf of said corporation by authority of its City Council and acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

[illegible]

On this __ day of 2022, before me, a Notary Public for this County, personally appeared _____, to me personally known, who, being by me duly sworn did say that he is the Chairman of the Board of Commissioners for the County of Benton, a political subdivision of the State of Minnesota, named in the foregoing instrument, and that said instrument was signed on behalf of said political subdivision by authority of its Board and acknowledged said instrument to be the free act and deed of said political subdivision.

Notary Public

[illegible]

On this ___ day of 2022, before me, a Notary Public for this County, personally appeared _____, to me personally known, who, being by me duly sworn did say that he is the County Administrator for the County of Benton, a political subdivision of the State of Minnesota, named in the foregoing instrument, and that said instrument was signed on behalf of said political subdivision by authority of its Board and acknowledged said instrument to be the free act and deed of said political subdivision.

Notary Public

[illegible]

On this __ day of _____, 2022 before me, a Notary Public for this County, personally appeared Brian Folden, Benton County Assessor, who I know to be the person described in the foregoing instrument, and who acknowledged that he executed that instrument as his free act and deed.

Notary Public



LAND SERVICES OFFICE

Providing excellent customer service in a fiscally responsible manner.

MEMO

TO: Township and City Clerks
FROM: Brian Folden, County Assessor
DATE: April 06, 2022
RE: *Assessment Contracts – 2023 Assessment forward*

As you may be aware, the current assessment contracts are set to expire on April 30, 2022. My apologies for the delay in sending out new agreements. I was appointed the new County Assessor as of March 14, 2022 and have been diligently working to ensure the transition is smooth.

Attached you will find the proposed assessment contract with Benton County for assessment years 2023-2027. We are proposing a tiered increase over the next five years to ensure that the Local Assessors are appropriately compensated and that we can retain them over time. The proposed tiered system remains at a rate that is lower than some other jurisdictions both within and outside Benton County.

In the attached proposal the county would continue to sub-contract out part or all the work to help keep the overall cost down to the cities and townships. By the county holding these contracts it will give the county better authority to monitor the quantity and quality of work of the Local Assessor's on an ongoing basis.

If you have any questions or concerns, please call. If you accept the agreement as written, please return an original signed copy to my office at your earliest convenience. It will then be presented to the County Board for their approval.

Regards,

Brian Folden, SAMA | County Assessor



Benton County Government Center
531 Dewey Street, PO Box 129, Foley, MN 56329
Phone: (320) 968-5019
bfolden@co.benton.mn.us

Enclosure - 1

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

www.co.benton.mn.us

320/968-5019

320/968-5329 FAX
320/968-8842 TDD

Benton County is an equal Opportunity employer

From: [Monica Shaw](#)
To: [Sarah Brunn](#)
Subject: RE: Assessment Contracts - 2023 Assessment Forward
Date: Friday, April 8, 2022 11:43:20 AM
Attachments: [image002.png](#)
[image003.png](#)

So I compared the contract price for the last 5 years. Looks like the Total per parcel for the last 5 years was \$45 and the total per parcel for 2023-2027 will be \$50.50/parcel. Hopefully this is what you were looking for, but let me know if you need anything else or more info.

| | | | | | |
|--------------|---------|-----------|-------|--------------|-----------------|
| Old Contract | | | | | |
| | Parcels | \$/Parcel | Years | 5 yr Cost | 5-yr \$/Parcel |
| 2018-2022 | 1130 | \$ 9.00 | 5 | \$ 50,850.00 | \$ 45.00 |
| | | | | | |
| New Contract | | | | | |
| | Parcels | \$/Parcel | Years | 1 yr Cost | 5-yr \$/Parcel |
| 2023 | 1130 | \$ 9.50 | 1 | \$ 10,735.00 | |
| 2024 | 1130 | \$ 10.00 | 1 | \$ 11,300.00 | |
| 2025 | 1130 | \$ 10.00 | 1 | \$ 11,300.00 | |
| 2026 | 1130 | \$ 10.50 | 1 | \$ 11,865.00 | |
| 2027 | 1130 | \$ 10.50 | 1 | \$ 11,865.00 | \$ 50.50 |

Monica Shaw

Accounting Technician & Deputy Clerk

mshaw@ci.foley.mn.us



City of Foley

251 4th Avenue North

P.O. Box 709

Foley, MN 56329

www.ci.foley.mn.us

320-968-7260 Office

320-968-6325 Fax

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

Sent: Thursday, April 7, 2022 12:52 PM

To: Monica Shaw <mshaw@ci.foley.mn.us>

Subject: FW: Assessment Contracts - 2023 Assessment Forward

Monica,

Would you cost out the current contract versus the proposed? If you click into the outlook item you'll see the old contract with estimated parcel counts – I believe the actual parcel count would be on the bill they sent us as well – usually in two installments.

Just want to get summary information on our costs moving forward with the new contract when I put it forward to the council in May.

Thanks.

Sarah A. Brunn

City Administrator

sbrunn@ci.foley.mn.us



City of Foley

251 4th Avenue North

P.O. Box 709

Foley, MN 56329

www.ci.foley.mn.us

320-968-7260 Office

320-968-6325 Fax

From: Tammy Novak <tnovak@co.benton.mn.us>

Sent: Wednesday, April 6, 2022 2:45 PM

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

Cc: Brian Folden <bfolden@co.benton.mn.us>

Subject: Assessment Contracts - 2023 Assessment Forward

Sara,

Attached please find a memo from Benton County Assessor Brian Folden as well as a proposed Assessment Services Agreement.

Thank you,



Tammy Novak, CMA | OFFICE COORDINATOR
BENTON COUNTY LAND SERVICES | ASSESSOR'S OFFICE
531 Dewey Street | PO Box 129 | Foley, MN 56329 | 320.968.5019
tnovak@co.benton.mn.us | [Land Services|Assessor Website](#)

Always do the right thing. It will gratify some, and astound others.

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CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

ORDINANCE NUMBER 466

AN ORDINANCE AMENDING THE CITY OF FOLEY ZONING ORDINANCE, SECTION 5
GENERAL REQUIREMENTS, RELATED TO SEWER AND WATER CONNECTIONS

WHEREAS, the City of Foley wishes to amend its Zoning Ordinance by making revisions to Section 5 (General Requirements) of the Zoning Ordinance; and

WHEREAS, The City of Foley issued a public hearing notice regarding this ordinance amendment and said public hearing was held on May 3, 2022.

NOW THEREFORE, the City of Foley ordains as follows:

The following section shall be revised as follows (insertion depicted with underline and deletion depicted with ~~strikethrough~~):

Section 1. Section 5, Subdivision 6 is amended as follows:

1. Connection to Sanitary Sewer and Water Required. All newly constructed buildings must be connected to sewer and water services. Where municipal sewers are not available, as determined by the Zoning Administrator, all sewage facilities must be connected to approved septic tanks and disposal fields. Existing buildings, which are not connected to municipal sanitary sewer services, must connect to the City sanitary sewer services if the City sanitary sewer services are within 150 feet of the ~~building~~ lot. Existing buildings, which are not connected to municipal water services, must connect to City Water services if municipal water services are within 150 feet of the ~~building~~ lot. This provision does not apply to temporary construction sites or portable units approved by the City for temporary use.

SECTION 2. Summary Publication:

At least four-fifths of the City Council's members direct the City Administrator to publish only the title and a summary of this Ordinance as follows:

“AN AMENDMENT TO THE GENERAL REQUIREMENTS ZONING CODE. It is the intent and effect of this Ordinance to update language regarding required water and sewer connections in the City of Foley.”

PASSED AND ADOPTED by the City Council of the City of Foley this 3rd day of May, 2022.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, Administrator



Real People. Real Solutions.

7533 Sunwood Drive NW
Suite 206
Ramsey, MN 55303-5119

Ph: (763) 433-2851
Fax: (763) 427-0833
Bolton-Menk.com

April 21, 2022

Sarah Brunn, City Administrator
City of Foley
251 4th Avenue North
P.O. Box 709
Foley, MN 56329

RE: Wastewater Regionalization Project
City of Foley, MN
Project No.: R21.120226

Dear Sarah,

The City's Wastewater Regionalization Project has been awarded to Geislinger and Sons, Inc. Contracts for the project are in-process and the final PFA financing forms associated with the project loan are being completed. A contract between the City of Foley and Bolton & Menk, Inc. was executed for Design Engineering Services in December 2019. The Design Engineering Services associated with the project have been completed. The following is a description of the Construction Engineering Services associated with the project as well as the anticipated schedule and costs.

Construction of the project involves multiple tasks such as the following:

- Surveying Services
- Construction Observation
- Contract Administration
- Record Drawings
- Project Closeout

The following is a summary of the scope and estimated fees associated with construction engineering services.

Surveying Services

- Right-of-Way and easement location identification
- Lift Station construction staking
- Forcemain construction staking
- Collection of as-built information

Approximately 690 hours have been estimated for this task.

Construction Observation

To ensure that the project is constructed according to the project plans and specifications, construction observation will be provided. A summary of the construction observation tasks is as follows:

- Construction activity documentation
- Wage compliance interviews
- Coordinate material testing

- Monitor construction schedule progress
- Quantity tracking for pay estimates
- Submittal review
- Collection of as-built information
- Construction meetings
- Property owner and contractor communication
- Punch list preparation
- Warranty inspection

Approximately 12,000 hours have been estimated for this task.

Contract Administration

The project is subject to PFA funding requirements including wage compliance, pay estimate and draw request preparation. Numerous other contract administration tasks are required and summarized below.

- Contract documents
- Project meetings
- Submittal review
- Payroll verification
- Pay estimate preparation
- Project status updates
- Project communication/correspondence
- Scheduling
- Permit compliance
- As-built verification
- O&M Manuals
- Project warranty verification

Approximately 1,550 hours have been estimated for this task.

Record Drawings

Following completion of the project construction, record drawings will be prepared to document the as-constructed condition and location of the improvements. Record drawing information will be used consistently by city staff for Gopher State One Call locating purposes and maintenance activities. Record drawings will be provided in both electronic and paper format.

Approximately 300 hours have been estimated for this task.

Project Closeout

Following completion of construction, documentation associated with the construction contract, funding, payroll, and wages will be completed. A summary of the closeout documents is listed below:

- Final Project pay estimate
- Final Project Draw Request
- Final Project Loan documentation
- Final payroll and wage rate documentation
- Project acceptance recommendation
- Project file assembly

Approximately 200 hours have been estimated for this task.

Fees

Based on the 14,740 estimated hours for our construction staff and our subconsultants, we have calculated an estimated construction fee of \$2,019,125. Construction related geotechnical services have not been included in the estimated fees above.

Schedule

Pending council approval, we anticipate the following schedule:

| Task | Anticipated Completion Date |
|-----------------------------|------------------------------------|
| Project Construction Begins | May 2022 |
| Substantial Completion | September 1, 2023 |
| Final Completion | November 1, 2023 |
| Project Close-out | January 2024 |

If you have any questions or would like to discuss further, please call.

Thank you,

Bolton & Menk, Inc.



Jared Voge, P.E.
Principal Engineer

Section 610 – Sewer Rates and Charges

Section 610:00. Sewer Rates and Charges Established.

Subd. 1. The owner of any premises connected with the municipal sewage systems shall pay as basic rental charges for the use of said sewage system the amounts as set forth in the subdivisions which follow.

Subd. 2. Based on Water Usage. The charge for residential and other sanitary sewage use, except as provided in Section 305 of the code, shall be based upon quantity of water used upon and in the premises connected to said sanitary sewer system as the same is measured by the municipal water meter therein in use.

Subd. 3. The following monthly sewage service charges and rates shall be and the same hereby are continued as heretofore adopted, for usage of the municipal sewage service:

- (a) Minimum for up to 2,500 gallons -----\$32.50 per month
- (b) Excess over 2,500 gallons ----- \$1.30 per 100 gallons or
portion thereof

Subd. 4. Procedure. The procedure for collection, payment, due date, overdue billings and other administrative matters shall be the same as may be established from time to time for the usage of the municipal water service or according to Section 609, of the Code of Ordinances.

Subd. 5. Effective Date of Sewer Rates. The sewer rates described above shall take effect on January 1, 2022.

Section 610:00 was amended by Ordinance No. 228, adopted November 21, 1989.
 Section 610:00 was amended by Ordinance No. 238, adopted September 16, 1991.
 Section 610:00 was amended by Ordinance No. 250, adopted September 8, 1992.
 Section 610:00 was amended by Ordinance No. 253, adopted August 24, 1993.
 Section 610:00 was amended by Ordinance No. 262, adopted December 6, 1994.
 Section 610:00 was amended by Ordinance No. 275, adopted October 1, 1996.
 Section 610:00 was amended by Ordinance No. 285, adopted November 5, 1998.
 Section 610:00 was amended by Ordinance No. 294, adopted September 7, 1999.
 Section 610:00 was amended by Ordinance No. 309, adopted November 7, 2000.
 Section 610:00 was amended by Ordinance No. 327, adopted September 3, 2002.
 Section 610:00 was amended by Ordinance No. 341, adopted September 2, 2003.
 Section 610:00 was amended by Ordinance No. 353, adopted August 31, 2004.
 Section 610:00 was amended by Ordinance No. 367, adopted September 20, 2005.
 Section 610:00 was amended by Ordinance No. 369, adopted August 29, 2006.
 Section 610:00 was amended by Ordinance No. 380, adopted September 4, 2007.
 Section 610:00 was amended by Ordinance No. 404, adopted August 21, 2012.
 Section 610:00 was amended by Ordinance No. 412, adopted November 5, 2013.
 Section 610:00 was amended by Ordinance No. 425, adopted December 6, 2016
 Section 610:00 was amended by Ordinance No. 433, adopted November 7, 2017
 Section 610:00 was amended by Ordinance No. 440, adopted December 4, 2018

Section 610:00 was amended by Ordinance No. 447, adopted December 3, 2019

Section 610:00 was amended by Ordinance No. 453, adopted January 5, 2021

Section 610:00 was amended by Ordinance No. 460, adopted November 2, 2021

438598

Certified, Filed and or Recorded on
October 03, 2019 2:29 PM

BENTON COUNTY MINNESOTA
CHERYL L. KANTOR
COUNTY RECORDER

By: LB

6 - 0 - 1

FEE AMOUNT \$46.00

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2019-13

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING APPLICANT DAN
& TRACY HANES FOR A CONDITONAL USE PERMIT FOR OPEN AIR DISPLAY

WHEREAS, the City of Foley received a revised conditional use permit ("CUP")
application from Dan & Tracy Hanes (the "Applicant") on August 23, 2019; and

WHEREAS, the property is legally described as **Exhibit A** to this resolution; and

WHEREAS, the CUP application was forwarded to the Foley Planning Commission at its
September 9, 2019 meeting for review and recommendation to the Foley City Council; and

WHEREAS, the Foley Planning Commission's recommendation to the Foley City
Council is to approve the CUP with certain conditions; and

WHEREAS, the City properly published and mailed notice of a public hearing which was
conducted on October 1, 2019; and

WHEREAS, the Foley City Council has considered the application and finds as follows:

FINDINGS OF FACT

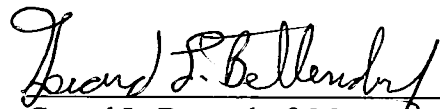
1. Applicant Dan & Tracy Hanes owns property within the City legally described in
"Exhibit A" (the "Property").
2. The Applicant is zoned B-2 (Highway Business) and currently operates a woodworking
business where they build and sell small buildings.
3. City of Foley Zoning Ordinance, Section 16, Subdivision 4, allows for open air display
for the sale of products through a conditional use permit process.

City of Foley
invoice

NOW THEREFORE BE IT RESOLVED BY THE FOLEY CITY COUNCIL THAT:

1. The above Findings of Fact are adopted.
2. The Foley City Council hereby approves the Applicant's request for a conditional use permit subject to the following conditions:
 - A. The Applicant must not display more than three units in the front of the house at one time on the Property.
 - B. The Applicant is not allowed to display any units or store any construction materials along the west property line.
 - C. A handicap restroom must be installed in the shed and be accessible for use by the public.
 - D. The handicap parking stall must comply with parking requirements set forth in the City of Foley Zoning Ordinance, Section 7.
 - E. The Applicant is not allowed to construct units in the front of the house. All unit construction must occur in the back of the house and in the accessory building when possible.

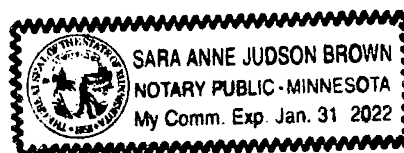
PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota this 1st day of October, 2019.


Gerard L. Bettendorf, Mayor

ATTEST:


Sarah A. Brunn, City Administrator

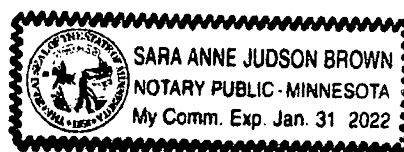
STATE OF MINNESOTA)
) SS
 COUNTY OF BENTON)



On this 1st day of October, 2019, before me, a Notary Public for this County, personally appeared Gerard L. Bettendorf, who, being by me duly sworn, did say that he is the Mayor of the City of Foley, a Minnesota municipal corporation, and that this instrument was signed on behalf of said corporation by authority of its City Council and acknowledged said instrument to be the free act and deed of said corporation.

Sara Anne Judson Brown
 Notary Public

STATE OF MINNESOTA)
) SS
 COUNTY OF BENTON)



On this 1st day of October, 2019, before me, a Notary Public for this County, personally appeared Sarah A. Brunn, who, being by me duly sworn, did say that she is the City Administrator of the City of Foley, a Minnesota municipal corporation, and that this instrument was signed on behalf of said corporation by authority of its City Council and acknowledged said instrument to be the free act and deed of said corporation.

Sara Anne Judson Brown
 Notary Public

Exhibit A
(Legal Description of Property)

A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE1/4 of SW1/4 of Section Twenty-six (26), Township Thirty-seven (37) North, Range Twenty-nine (29) West, Fourth Principal Meridian, Benton County, Minnesota, described as follows, to wit:

Beginning at a point 1143.5 feet North of the South Quarter corner of said Section Twenty-six (26); thence to the left at an angle of 51° 18' a distance of 79.6 feet; thence in a Southwesterly direction a distance of 113.6 feet to the North right-of-way line of Trunk Highway No. 23; thence Southwesterly direction along the North line of Trunk Highway No. 23 a distance of 89.7 feet which is the point of beginning of the tract herein described; thence continuing westerly along the North right-of-way line of Trunk Highway No. 23 a distance of 130 feet; thence at right angles to said North right of way line, and in a northwesterly direction, a distance of 216.5 feet; thence at right angles and in a northeasterly direction a distance of 254.7 feet; thence Southerly a distance of 250 feet to the point of beginning.



April 8, 2022

Direct Dial: 320-257-3862
Abukowski@RinkeNoonan.com

Dan Hanes
45 Highway 23 West
Foley, MN 56329

**Re: Property located at 45 Highway 23 West
Our File No. 04313-0264**

Dear Mr. Hanes:

Our office is legal counsel for the City of Foley, Minnesota (the "City"). This letter is to inform you that the City has reason to believe your new building located at 45 Highway 23 West in Foley, Minnesota (the "Property") is in use without a valid certificate of occupancy issued by the City. As you are aware, you previously applied for a building permit on October 29, 2019. After applying for the building permit, you have yet to complete the final approval of your building and obtain a certificate of occupancy. In order for you to continue to use the Property, construction must be completed and a certificate of occupancy obtained.

A Conditional Use Permit ("CUP") was also granted to you on October 1, 2019. The CUP was granted to allow you to display various products for sale in front of your business. In the CUP, it explicitly states that you must not display more than three (3) units. The City is aware that you are displaying more than three (3) units in front of the Property and storing construction material on the Property. Enclosed are pictures obtained by the City, which show more than three (3) units in front of your Property.

The issues outlined above must be dealt within 15 days of the date of this letter. If the issues outline above are not dealt with within 15 days, the City will schedule a hearing to consider revoking the CUP previously granted to you. If the CUP is revoked, all commercial use on the Property must stop. Additionally, civil and criminal penalties can and will be pursued. Please contact my office if you would like to discuss the matter further.

Sincerely,


Ashley M. Bukowski
ASH/mjr

cc: City of Foley (via email)

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

www.rinkenoonan.com





TO: FOLEY CITY COUNCIL
FROM: SARAH BRUNN, CITY ADMINISTRATOR
SUBJECT: 05-03-22 –COUNCIL MEETING
DATE: APRIL 29, 2022

Joint Meeting – Planning Commission/City Council – Parking & Storage Ordinance

A joint meeting of the planning and council will occur at 5:00pm prior to the start of the regular city council meeting. A copy of some suggested staff changes to the ordinance have been provided – see red and blue notations.

Consent Agenda

The final rule on the ARPA funds has been released. During audit we discussed the best option for the city and that is taking the standard allowance. The resolution in your agenda just indicates the city using the standard allowance and falling under those reporting standards. We have discussed using the ARPA funds for fiber but nothing has been officially decided at the council level. We have not yet received all the funds yet either. We do have until 2024 to spend the funds so more discussions will occur at a later date.

The Benton County Assessor contract is up for renewal. Information is included in your packet. Since finding and retaining a city assessor has been difficult we have contracted directly with the county for a number of years. Staff would recommend continuing with this practice for another contract. The county performs these services for a number of entities in the county.

Public Hearing – Sewer-Water Zoning Ordinance

After holding a public hearing, staff requests the council adopt Ordinance #466. This language mirrors the language the council passed on the code of ordinances side last month regarding distances of required connections. A public hearing is required to make zoning amendments so that is why you are seeing this change now as we needed to publish hearing first.

Foley Wastewater Regionalization Project – Construction Engineering

Jared Voge from Bolton & Menk will be at the meeting to present the proposal for construction engineering services. Details on the services and costs are in your packet. If you have any questions you'd like me to pass along prior to the meeting let me know.

Bruce Thompson – Removing Sprinkler Charges from Sewer Use Charges

Mr. Thompson has requested to discuss with the council the option of removing sprinkler water use charges from the sewer charge. Currently the ordinance requires sewer charges be paid on all water usage – including sprinklers or water that does not go into the sewer system. A copy of the sewer charges ordinance is in your packet. If the council wishes to consider this option, staff would need to do some research on how this would apply to our water supply plan to ensure any ordinance changes comply with identified conservation efforts.

45 Highway 23 West – Conditional Use Permit (CUP)

The building official, city staff and city attorney have made a number of contacts with Mr. Hanes regarding his business operation at the address above. The building official has indicated the shed has

not been finished and approved for occupancy yet has been used for well over a year. There is also lots of junk and materials spread though out the property which violate a number of areas of code. Finally, Mr. Hanes has been violating the conditions of his CUP with the storage of materials and with the number of buildings he has on display in the front. I spoke to Mr. Hanes a few weeks ago and also followed up with a letter indicating that I would be bringing this item up to the city council for review and he needed to clean up the property. He has been invited to attend the meeting. Since we have served notice on him, the council does have the right to revoke his CUP if he has not made adequate progress on resolving the issues. At a minimum staff recommends a very short and strict deadline to finish the building and remove the issue of outdoor storage by requiring some type of fencing.

Rental License Enforcement

I have been approached by some of the council regarding the rental license status of a property located on Dewey Street. Legal has sent correspondence and been in contact with the property owner but we still have not resolved the issue and the property continues to violate the rental ordinance. We do plan on proceeding with court action following one more notice.

Upcoming Reminders:

May 9, 2022 – Planning Commission Meeting

May 30, 2022 – City Hall Closed – Holiday

June 20-22, 2022 – Foley Fun Days