

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 3<sup>rd</sup> 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*

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