



City Council – Meeting Agenda
August 2, 2022 – 5:30 P.M. – Foley City Hall

1. Call the meeting to order.
2. Pledge of Allegiance.
3. Approve the agenda.
4. Consent Agenda:
 - Approve minutes of July 12, 2022.
 - Approve closure of 4th Avenue N (downtown) on September 25th from 11am-2pm for car show.
 - Adopt Resolution #2022-20 Accepting Donation
 - Adopt Resolution #2022-21 Accepting Donation.
 - Approve payment of bills.
5. Wastewater Regionalization Project
 - Pay Application Request #2 – Jared Voge – Bolton & Menk
 - Update on project construction.
 - Review of PFA Loan Agreement and Closing Documents
 - Adopt Resolution #2022-??
6. Mayor's Comments & Open Forum
7. Department Reports:
 - Police Department –Katie McMillin
 - Update on parking & storage ordinance.
 - Update on edible cannabinoid products.
 - City Attorney – Adam Ripple/Ashley Bukowski
 - City Engineer – Jarod Griffith
 - Update on Highway 23 Project
 - Update on Reduction of Work Compensation – Change Order #1
 - Public Works/Fire – Mark Pappenfus
 - Administration – Sarah Brunn
 - Update on 2023 Budget.
8. Old Business
 - Update on pool refund policy – consider 2 requests for refunds.
9. New Business
 -
10. Close the meeting per Minn. Stat. 13D.05 Subd. 3(c) 13D.05 – discussion on option agreement price of PID 020049300 & PID 020050000.



**City Council - Meeting Agenda
August 2, 2022 - 5:30 P.M. - Foley City Hall**

11. Adjourn

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – July 12, 2022

The Foley City Council held a special council meeting on July 12, 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 Gondeck, seconded by Musachio, to approve the consent agenda

Consent Agenda:

- Approve minutes of June 7, 2022.
- Adopt Proclamation for Pregnancy and Infant Loss Remembrance Day.
- Approve school resource officer agreement with Foley Public Schools.
- Approve tobacco license for Dollar General.
- Approve payment of bills.

Motion carried, unanimous.

Public hearing Danny B's On Sale Wine/ Beer License

Mayor Bettendorf suspended the regular council meeting to conduct a public hearing on Danny B's wine and beer license.

No one spoke.

The regular council meeting was reconvened at 5:32 p.m.

Motion by Swanson, seconded by Gondeck, to approve Danny B's wine/beer license.

Motion carried, unanimous.

Wastewater Regionalization Project – Bolton & Menk

Jared Voge from Bolton & Menk gave an overview to the council and asked for the approval of Pay Application Request #1 for work completed through June 24 for Geislinger and Sons for \$15,454,358.01. Staff reviewed the pay estimate and recommends approval.

Sarah Brunn, City Administrator, explained the loan for the project has not yet been finalized and requested a separate motion to approve payment.

Motion by Musachio, seconded by Gondeck, to approve Pay Application Request #1.

Motion carried, unanimous.

Brunn updated the council on the loan agreement. Staff is working on closing the loan through the PFA. The PSIG money is still tied up at the state level. When the PSIG funds come through, we won't need to draw on that loan. Loan is being finalized and drafted. It will be reviewed and then sent to council for approval. Staff is doing everything we can to move the process forward. The good news is that having to finance the additional money qualifies the project for a 30-year loan instead of 20 years. The council will still need to commit to raise rates in order to pay for the loan.

Bettendorf asked for a motion to approve the resolution calling for commitment to rate increase with the new loan amount provided by amortization.

Discussion and questions followed.

Motion by Gondeck, seconded by Musachio, to approve Resolution 2022-18 Committing to Rate Increase (revised).

Motion carried with Gondeck, Musachio, Bettendorf, and Swanson voting aye. Brosh voting Nay.

Discussion on Gambling Premises Permit for Stone Creek Golf Course

Several people spoke in favor of the gambling permit:

Mike Ratka, 11609 45th Street, expressed a desire for a local charity to take over the gambling at Stone Creek.

Bettendorf explained it was up to the golf course to decide who they wanted to allow on their premises.

Marvin Zawacki, 280 Birch Drive, expressed support for the gambling permit and the golf course.

Mike Ratka, 11609 45th Street, spoke again and expressed support for the golf course.

Motion by Gondeck, seconded by Brosh, to adopt Resolution 2022-19 Approve Premises Permit.

Motion carried, unanimous.

Foley Economic Development Committee (Thriving Communities Initiative)

Amanda Othoudt and Brandon Voit gave an overview of the downtown survey results with Foley businesses. The committee met with business owners over the past several months. One of the things discussed was a possible façade improvement program to help business owners improve the look of their properties and attract more customers into the downtown area. Othoudt gave an overview of similar programs from other cities to explain how a façade program might work.

Voit gave more details on the survey results. Details of the survey were included in the council packet. The majority of business owners surveyed (93%) would like to invest in their properties downtown e.g., roofing, signage, windows, expansion, paint and curb appeal, parking lot resurfacing, relocation to industrial park when available. All the businesses surveyed said they would support a grant program.

Othoudt asked the council to consider including a façade grant program in the 2023 budget. The details for the program would be completely up to the council and could be discussed at a later date. She

recommended a basic program structure that would allow for a minimum of four \$24,000 matching grants be awarded. A total of \$100,000 would need to be set aside to allow for this.

Discussion and questions followed.

Discussion on Removing Sprinkler Sewer Charge – Section 610 Sewer Charges

Brunn gave an overview to the council to open the discussion on potential revisions to the sewer ordinance. Staff presented a framework that would allow for a separate water meter to be installed at the owner's expense that would then monitor any water used for sprinkling, but not charge the homeowner for the sewer fee. Staff recommended raising the water rate on the sprinkler slightly since the water they would be sprinkling with is treated. The cost to the city to provide water to residents remains the same regardless of how the water is used by the homeowner. Brunn stressed that staff will need clear direction from the council before proceeding with proposed changes in the wording of the sewer ordinance.

Discussion and questions followed regarding staff proposals.

Bruce Thompson, 1103 Golf Court, addressed the council and explained that while he didn't object to a minimum monthly fee during the summer months for the sprinkler meter he didn't like the minimum monthly fee year round (12 months). He also didn't like the 20% increase to the water charge.

More discussion and questions followed.

The staff's proposal would be a one-time cost of \$300 for the meter at the homeowner's expense and then a minimum of \$300 per year for the service.

Discussion and questions.

Musachio asked how much lost revenue would there be to the city and how do we make it up?

Brunn said we only have estimates (\$25,000) and it could go up, especially if more housing is added.

Gondeck stated that we have a pipeline for the wastewater project but we haven't put anything through it yet. I don't think now's the time to cut the cost of the sewer. We should wait until we start using our new sewer system and see how much our sewer rates are and we go from there.

Brosh said he was in favor of the change. There's no guarantee anyone would sign up for a sprinkler meter. I hope it comes before us as an ordinance.

Swanson said he liked the recommendation from staff but didn't like the 20% increase on the water rate for sprinklers.

Bettendorf stated we have to leave in the 20% increase on the water side since the water still needs to be treated and pumped to the resident's house. He also stated he didn't like the proposal. He expressed concern that removing the sewer charge for sprinkler lines would cause more people to complain. Motion by Gondeck to table the issue until next spring and look at it again after the new sewer system is up and running.

No one seconded. Motion died.

Motion by Swanson, seconded by Brosh, to remove the sewer charge for sprinkler systems.

Motion failed. Swanson and Brosh voting aye. Gondeck, Musachio, and Bettendorf voted nay.

Discussion on Parking & Storage Ordinance Revisions

The council reviewed the revisions to the Parking & Storage ordinance presented by staff. Discussion and questions followed.

Motion by Gondeck, seconded by Brosh, to approve the revisions as presented.

Questions and discussion followed regarding the definition of single and double axels and council enforcement. Brunn asked the council for clear directions on revisions and enforcement.

Motion carried with Gondeck, Musachio, and Bettendorf voting aye. Swanson and Brosh voting nay.

Mayor's Open Forum

Debra Olson, 600 Dewey Street, spoke to the council and expressed her objection to the presentation by Othoudt and Voit on the possible downtown façade program for business owners.

Bruce Thompson, 1103 Golf Court, addressed the council again thanking them for considering his request but also expressed frustration stating that bulk water was sold at a cheaper rate at the Fire Hall. Bettendorf corrected the record stating that bulk water is sold at a much higher water rate than what the staff had proposed for the sprinkler meters.

Department Reports

Police Department

Chief Katie McMillin gave an overview to the council. The call report for June was 378 which is up from 352 calls for last year. Overall, the call report is 100 calls more for the year than this time last year. Traffic enforcement is up a lot. Lots of hours spent replacing barricades and cones for construction and making sure people are not removing them. Suspicious activity calls are also up. Vandalism and disturbing the peace are also up. The department made 51 traffic stops on Broadway Ave (construction detour) in the month of June. The Root Bear Float social was successful. Thursday night is the last not for the Police Activities League (PALs).

Discussions and questions for the chief.

McMillin also stated that the department had been asked by the Benton County Fair if the city would assist with policing the grounds inside the gate during the fair. She also directed the council to the SRO contract renewal in their packet.

Motion by Gondeck, seconded by Swanson, to approve the contract with the Benton County Fair Board.

Motion carried, unanimous.

City Attorney

Adam Ripple had nothing new for the council other than stating that Ashley Bukowski who was

introduced to the council at the last meeting would continue working with him on some things for the city.

City Engineer

Jarod Griffith gave an update on the Hwy 23 construction project. The contractor has started with the sanitary sewer portion of the project. They have one structure in today. The change order is in your packet for \$10,942.72 for changes in the fiber vaults. It was approved by MN Dot. Griffith also updated the council on the request for damages. The contractor is asking for additional money to cover change order because they bid it at a blended rate and that information is being reviewed by MnDOT.

Discussion and questions.

Public Works and Fire Department

Mark Pappenfus didn't have any updates for the council except for general tech and equipment maintenance.

Administrative

Sarah Brunn gave an overview to the council. Staff is working on a budget and the adjusted sewer rates for 2023. Minnesota Rural Water is making recommendations on changes and how we charge minimums for apartment buildings and trailer parks. We are looking into a system that would charge apartments per unit and wanted to get the council's feedback on that. Currently, apartments do not have a separate minimum charge. It would be more equitable way to charge by unit. Is the council interested in hearing options on what that would look like?

Discussions and questions followed with the council expressing interest in seeing those options.

Brunn also gave an update on the conditional use permit for the resident on Hwy 23. They are making progress with still a few issues that need attention. Hoping to finish in the next couple weeks.

Brunn gave an update on the county's property and the mowing issue. The county mowed the lot but bailed it for hay. Brunn asked direction from the council if this was acceptable given that the lot is inside city limits. The council expressed that this would be acceptable as long as the county removed the bails after mowing.

Brunn shared with the council that Triple E is requesting to move into the next phase of their building. They still have hard surfacing and a gate that needs to be done. The Building Official will review. She also updated the council on another building expansion in the industrial park that went through a site plan review a couple years ago but is making some amendments that will be handled at the staff level.

Brunn also reminded the council that filing for running for council opens Aug. 2 and runs through Aug. 16. Mayor Bettendorf and council seats for Musachio and Swanson are up for reelection. The State Primary is Aug. 9.

Old Business

Gondeck asked about hours for the compost site. Pappenfus said they are working on that and suggested staff could keep the site open until 7 p.m. The police department is going to help with closing the gate.

New Business

Sarah Moulzolf, 238 Elm Drive, addressed the council asking for a change to the city's no-refunds policy on swimming lessons at the pool. She asked that an exception be allowed if the child had a medical excuse and a note from the doctor.

Discussion and questions followed. Brunn explained that the no-refunds policy has been in place for several years. The city is still required to pay registration and program fees to the Red Cross to hold swimming lessons. She reminded the council that the pool routinely loses \$60,000 to \$70,000 per year. She also explained that when issues come up instead of issuing refunds the pool works with parents to reschedule the lessons so the child can still participate. This is the same approach the city uses for park shelter rentals.

More discussion and questions followed.

Motion by Gondeck, seconded by Musachio, to table the discussion until more information can be gathered from the pool manager.

Motion carried, unanimous.

At 7:19 p.m, Bettendorf closed the regular council meeting for discussion regarding the option agreement price of PID 02004933 & PID 020050000.

At 7:38 p.m, the regular council meeting reconvened. The council directed staff to continue the discussions with the other party.

Motion by Swanson, seconded by Gondeck, to adjourn.

Motion carried, unanimous.

Meeting adjourned at 7:38 p.m.

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

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2022 - 20

A RESOLUTION ACCEPTING DONATIONS FOR THE BIKE SAFETY RODEO

WHEREAS, the City of Foley encourages public donations to help defray the costs to the general public of providing services and improve the quality of life in Foley; and

WHEREAS, various businesses and individuals have offered to donate funds to be used by the Foley Police Department community policing during Foley Fun Days bike safety rodeo; and

WHEREAS, the attached Exhibit A is a list of donations; and

WHEREAS, Minnesota Statutes 465.03 requires that all gifts and donations of real or personal property be accepted only with the adoption of a resolution approved by two-thirds of the members of the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Foley, Benton County, Minnesota, that these donations are hereby accepted for use by the City of Foley.

BE IT FURTHER RESOLVED that the City sincerely thanks the businesses and individuals for their generous donations.

PASSED AND ADOPTED by the Foley City Council, this 2nd day of August, 2022.

Gerard Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator-Clerk

Bicycle Safety Rodeo Donations for 2022

Rinke Noonan
Benton Co. Abstract
Foley American Legion
Foley Lion's
Duelm Lion's
Frandsen Bank & Trust
American Legion Sons of American Unit 298
Woodcraft
Mille Lacs Grand Casino
Scheels
SEH
Distinctive Cabinets
Foley Chamber
Falcon Bank
Foley Hardware Store
Jarod Griffith
State Farm Insurance
Henry's Embroidery
Grand Champion Meats
Bernicks

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2022-21

A RESOLUTION ACCEPTING DONATIONS FOR DOWNTOWN FLOWERS

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 Gruba has offered to donate funds to pay for flowers for the downtown area, 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 Gruba for her generous donation.

PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota, this 2nd day of August 2022.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

Bills List - August 2nd, 2022

Gross Salaries	Payroll - 7/15/22	\$ 43,023.32
EFTPS	Federal Withholding	\$ 8,017.05
MN Dept of Revenue	State Withholding	\$ 1,504.86
State Treas. PERA	PERA	\$ 6,324.98
Nationwide	Deferred Comp	\$ 1,007.59
Pacific Life Ins	Deferred Comp/Roth IRA	\$ 70.00
Further	HSA Contribution	\$ 1,059.79
Gross Salaries	Payroll - 7/29/22	\$ 47,187.69
EFTPS	Federal Withholding	\$ 9,163.20
MN Dept of Revenue	State Withholding	\$ 1,755.09
State Treas. PERA	PERA	\$ 6,525.69
Nationwide	Deferred Comp	\$ 1,007.10
Pacific Life Ins	Deferred Comp/Roth IRA	\$ 70.00
Further	HSA Contribution	\$ 1,059.79

Already Paid 8/2022

To Be Paid - 8/2/2022

Allspec Services	July Inspections	\$ 2,632.25
Benton County Recorder	recording fee's	\$ 138.00
Billings Service	PD vehicle maintense	\$ 972.40
CGMC Communications	Coalition Conference	\$ 280.00
Cintas	Uniforms	\$ 319.92
CNA Surety	Bond Insurance	\$ 37.50
Delta Dental	Employee Dental Insurance	\$ 1,265.60
Diamond Vogel Paints	Street Supplies	\$ 89.64
Dirtworks 2000 Inc	Backhoe/Dump Truck	\$ 3,575.00
FireCatt	FD testing supplies	\$ 3,127.50
First National Bank of Omaha	July CC purchases	\$ 1,464.87
Flow Measurement	Life Station Maintense	\$ 588.00
Further	7/22 Employer HSA Contribution and Admin Fee	\$ 380.35
Geislinger and Sons	2nd application WastWater Application	\$ 2,531,470.99
Handyman's Hardware	PW supplies	\$ 168.54
Hawkins	Pool Chemicals	\$ 2,949.39
Health Partners	Insurance premium July	\$ 13,690.04
Hildi Inc	FD fees for Fire relief Valuation	\$ 1,100.00
Independent Testing Technologies	MNDot Constr Costs	\$ 1,050.00
Interstate All Battery Center	PD supplies	\$ 22.00
Lawson Products	PW Supplies	\$ 390.23
LMC	PD 2022 Training Eric and Alex	\$ 100.00
Macqueen Equipment	FD supplies	\$ 2,182.30
Marco	07/22 copier lease	\$ 266.04
Mimbach Fleet	PW Sewer pump	\$ 219.99
MN Department of Revenue	Sales and Use Tax - July	\$ 978.00
MTI Distributing	PW Shop supplies	\$ 259.99
Murphy Chev	PD Squad Maintence	\$ 1,327.10
New Frontier Services	IT backup, updates to site and links	\$ 131.25
Northland Securities	Professional Fee's	\$ 2,000.00
Resource Training & Solutions	Safe Personnel annual Subscription	\$ 400.00
Rinke Noonan	Gen Legal, Police, Rental Lecense,Herbst,jtc trucking	\$ 2,360.00
RMB Environmental Labs	Water Testing	\$ 587.83
Schlenner Wenner & Co	2021 Audit Services	\$ 1,000.00
Security Locksmith	Street Supplies	\$ 100.30
Short Elliott Hendricks	Ind Park Plans, JTC, Pouchtec, General Eng	\$ 8,760.38
Silt Sock	TIF payment	\$ 21,493.77
Sun Life Assurance	Employee LTD	\$ 266.47
Team Lab	PW Aquatic Weed Killer	\$ 838.36
Thomas Tool & Supply	PW supplies	\$ 259.99
USable Life	8/22 Life Insurance	\$ 260.50
Verizon	PW, PD, FD Cell Phone	\$ 372.37
Xcel Energy	07/22 Utilities	\$ 8,841.55
Ziegler Cat	PW vehicle maintense	\$ 767.21
		\$ 2,747,261.77

Additional To Be Paid - 8/2/2022



Real People. Real Solutions.

2040 Highway 12 East
Willmar, MN 56201-5818

Ph: (320) 231-3956
Fax: (320) 231-9710
Bolton-Menk.com

7/27/2022

Sarah Brunn
City Administrator
City of Foley
251 4th Ave. N
Foley, MN 56329

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

Dear Sarah,

Please find enclosed Payment Estimate No. 2 for the above referenced project. The estimate includes work completed through July 22nd. We have reviewed the estimate and recommend approval. If you agree, please sign and date three copies and return one with payment to Geislinger & Sons, Inc., one copy to me for our records, and retain one for yourself.

Please contact me if you have any questions.

Sincerely,

Bolton & Menk, Inc.

Jared Voge, P.E.
Principal Engineer

Contractor's Application for Payment

Owner: <u>City of Foley</u> Engineer: <u>Bolton & Menk, Inc.</u> Contractor: <u>Geislinger and Sons, Inc.</u> Project: <u>Wastewater Regionalization Project</u> Contract: <u>Wastewater Regionalization Project</u>	Owner's Project No.: _____ Engineer's Project No.: <u>R21.120226</u> Agency's Project No.: _____																								
Application No.: <u>2</u> Application Date: <u>7/26/2022</u> Application Period: From <u>6/24/2022</u> to <u>7/22/2022</u>																									
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">1. Original Contract Price</td> <td style="width: 40%; text-align: right;">\$ 16,548,705.51</td> </tr> <tr> <td>2. Net change by Change Orders</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>3. Current Contract Price (Line 1 + Line 2)</td> <td style="text-align: right;">\$ 16,548,705.51</td> </tr> <tr> <td>4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)</td> <td style="text-align: right;">\$ 3,785,201.05</td> </tr> <tr> <td>5. Retainage</td> <td></td> </tr> <tr> <td> a. 5% X \$ 1,726,224.50 Work Completed</td> <td style="text-align: right;">\$ 86,311.23</td> </tr> <tr> <td> b. 5% X \$ 2,058,976.55 Stored Materials</td> <td style="text-align: right;">\$ 102,948.83</td> </tr> <tr> <td> c. Total Retainage (Line 5.a + Line 5.b)</td> <td style="text-align: right;">\$ 189,260.06</td> </tr> <tr> <td>6. Amount eligible to date (Line 4 - Line 5.c)</td> <td style="text-align: right;">\$ 3,595,940.99</td> </tr> <tr> <td>7. Less previous payments</td> <td style="text-align: right;">\$ 1,064,470.00</td> </tr> <tr> <td>8. Amount due this application</td> <td style="text-align: right;">\$ 2,531,470.99</td> </tr> <tr> <td>9. Balance to finish, including retainage (Line 3 - Line 4)</td> <td style="text-align: right;">\$ 12,763,504.46</td> </tr> </table>		1. Original Contract Price	\$ 16,548,705.51	2. Net change by Change Orders	\$	3. Current Contract Price (Line 1 + Line 2)	\$ 16,548,705.51	4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 3,785,201.05	5. Retainage		a. 5% X \$ 1,726,224.50 Work Completed	\$ 86,311.23	b. 5% X \$ 2,058,976.55 Stored Materials	\$ 102,948.83	c. Total Retainage (Line 5.a + Line 5.b)	\$ 189,260.06	6. Amount eligible to date (Line 4 - Line 5.c)	\$ 3,595,940.99	7. Less previous payments	\$ 1,064,470.00	8. Amount due this application	\$ 2,531,470.99	9. Balance to finish, including retainage (Line 3 - Line 4)	\$ 12,763,504.46
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Contractor's Certification The undersigned Contractor certifies, to the best of its knowledge, the following: (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment; (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.																									
Contractor: <u>Geislinger and Sons, Inc.</u>																									
Signature: <u><i>Matt Geislinger</i></u> Name: <u>Matt Geislinger</u>	Date: <u>7-27-22</u> Title: <u>Project Manager</u>																								
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Recommended by Engineer By: <u><i>Jared Voge</i></u> Name: <u>Jared Voge, P.E.</u> Title: <u>Principal Engineer</u> Date: <u>7/27/2022</u> </td> <td style="width: 50%; vertical-align: top;"> Approved by Owner By: _____ Name: _____ Title: _____ Date: _____ </td> </tr> </table>		Recommended by Engineer By: <u><i>Jared Voge</i></u> Name: <u>Jared Voge, P.E.</u> Title: <u>Principal Engineer</u> Date: <u>7/27/2022</u>	Approved by Owner By: _____ Name: _____ Title: _____ Date: _____																						
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Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner:	City of Foley	Owner's Project No.:	
Engineer:	Bolton & Menk, Inc.	Engineer's Project	R21.120226
Contractor:	Gaellinger and Sons, Inc.	Agency's Project No.:	
Project:	Wastewater Regionalization Project		
Contract:	Wastewater Regionalization Project		

Application No.: 2 Application Period: From 06/24/22 to 07/22/22													Application Date: 07/26/22				
A	B	C	D	E	F	G	H	I	J	K	L						
Bid Item No.	Description:	Item Quantity	Units	Contract Information		Value of Bid Item (C X E) (\$)	Previous Estimate		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (E - J) (\$)					
				Unit Price (\$)			Quantity Previous Estimate	Value Previous Estimate									
Original Contract																	
1	MOBILIZATION	1.00	LUMP SUM			570,000.00		0.25	142,500.00	0.25	142,500.00	427,500.00					
2	CLEARING AND GRUBBING	1.70	ACRE			52,700.00		0.55	17,050.00	0.55	17,050.00	35,650.00					
3	CLEARING AND GRUBBING	27.00	TREE			29,700.00			19,800.00	18.00	19,800.00	9,900.00					
4	DECOMMISSION BIRCH LIFT STATION	1.00	LUMP SUM			7,500.00		-	-	-	-	7,500.00					
5	SALVAGE AND REINSTALL SIGN	14.00	EACH			7,140.00		-	-	11.00	5,610.00	1,530.00					
6	SALVAGE AND REINSTALL PIPE CULVERT	252.00	LIN FT			5,040.00		-	840.00	42.00	840.00	4,200.00					
7	AGGREGATE SURFACING FROM STOCKPILE (CV)	4,164.00	CU YD			87,444.00		-	-	-	-	87,444.00					
8	DEWATERING	1.00	LUMP SUM			0.01		-	-	-	-	0.01					
9	GEOTEXTILE FABRIC, TYPE 5	8,053.00	SQ YD			16,106.00		-	-	-	-	16,106.00					
10	COMMON EXCAVATION (P)	4,082.00	CU YD			61,230.00		-	-	-	-	61,230.00					
11	AGGREGATE SURFACING, CLASS 2 (CV)	908.00	CU YD			45,400.00		-	-	-	-	45,400.00					
12	AGGREGATE SURFACING, CLASS 5 (CV)	1,519.00	CU YD			60,760.00		-	-	-	-	60,760.00					
13	AGGREGATE BASE, CLASS 5 (CV)	2,747.00	CU YD			96,145.00		-	-	-	-	96,145.00					
14	BITUMINOUS PATCH - DRIVEWAY	450.00	SQ YD			40,500.00		-	-	-	-	40,500.00					
15	BITUMINOUS PATCH - STREET	796.00	SQ YD			67,660.00		-	-	-	-	67,660.00					
16	12" PIPE APRON	4.00	EACH			1,000.00		-	-	-	-	1,000.00					
17	15" PIPE APRON	6.00	EACH			310.00		-	-	-	-	1,860.00					
18	18" PIPE APRON	4.00	EACH			375.00		-	-	-	-	1,500.00					
19	24" PIPE APRON	4.00	EACH			525.00		-	-	-	-	2,100.00					
20	30" PIPE APRON	1.00	EACH			950.00		-	-	-	-	390.00					
21	12" PIPE CULVERT	80.00	LIN FT			2,400.00		-	-	-	-	2,400.00					
22	15" PIPE CULVERT	76.00	LIN FT			32.00		-	-	-	-	2,432.00					
23	18" PIPE CULVERT	148.00	LIN FT			36.00		-	-	-	-	5,148.00					
24	24" PIPE CULVERT	282.00	LIN FT			45.00		-	-	-	-	12,690.00					
25	30" PIPE CULVERT	20.00	LIN FT			65.00		-	-	-	-	1,300.00					
26	CONNECT TO EXISTING SANITARY MAIN	8.00	EACH			7,500.00		-	-	-	-	60,000.00					
27	8" SANITARY SEWER PIPE	221.00	LIN FT			125.00		-	-	-	-	27,625.00					
28	12" SANITARY SEWER PIPE	1,995.00	LIN FT			135.00		-	-	-	-	269,325.00					
29	15" SANITARY SEWER PIPE	285.00	LIN FT			140.00		-	-	-	-	39,900.00					
30	18" SANITARY SEWER PIPE	40.00	LIN FT			165.00		-	-	-	-	6,600.00					
31	27" SANITARY SEWER PIPE	38.00	LIN FT			250.00		-	-	-	-	9,500.00					
32	FORCE MAIN (MIN. I.D. 11.65 INCHES)	70,839.00	LIN FT			100.00		4,235.00	423,500.00	13,434.00	1,343,400.00	3,917,599.49					
33	24" CASING (MIN. DIAM)	374.00	LIN FT			250.00		-	-	-	-	93,500.00					
34	TRENCHLESS FORCE MAIN - (MIN. I.D. 11.65 INCHES)	10,692.00	LIN FT			115.00		-	-	-	-	1,229,580.00					
35	TRENCHLESS FORCE MAIN & CASING-SIMULTANEOUS PULL	1,386.00	LIN FT			250.00		-	-	-	-	346,500.00					
36	TRENCHLESS 30" CASING (DIRECTIONAL DRILL)	110.00	LIN FT			850.00		-	-	-	-	93,500.00					
37	GATE VALVE AND BOX	12.00	EACH			5,500.00		-	-	-	-	66,000.00					
38	METERING & OUTFALL MANHOLES - FOLEY	1.00	LUMP SUM			40,000.00		-	-	-	-	40,000.00					
39	METERING MANHOLE - SAUK RAPIDS	1.00	LUMP SUM			45,000.00		-	-	-	-	45,000.00					
40	CONSTRUCT 8" OUTSIDE DROP	4.30	LIN FT			650.00		-	-	-	-	2,795.00					
41	CONSTRUCT SANITARY SEWER MANHOLE - DESIGN 4007 48"	178.00	LIN FT			550.00		-	-	-	-	97,900.00					
42	CONSTRUCT SANITARY SEWER MANHOLE - 60" DESIGN	23.90	LIN FT			650.00		-	-	-	-	15,535.00					
43	FIBERGLASS-REINFORCED MANHOLE	1.00	EACH			40,000.00		-	-	-	-	40,000.00					
44	CASTING ASSEMBLY	14.00	EACH			1,000.00		-	-	-	-	14,000.00					
45	AIR & VACUUM RELEASE MANHOLE	42.00	EACH			25,000.00		-	-	1.50	37,500.00	1,012,500.00					
46	LOCATE EXISTING UTILITY	468.00	EACH			125.00		16.00	2,000.00	46.00	5,750.00	52,750.00					
47	CONSTRUCT LIFT STATION - BROADWAY	1.00	LUMP SUM			350,000.00		-	-	-	-	350,000.00					
48	BROADWAY LIFT STATION ELECTRICAL GENERATOR, &	1.00	LUMP SUM			125,000.00		-	-	-	-	125,000.00					
49	CONSTRUCT LIFT STATION - GOLF	1.00	LUMP SUM			400,000.00		-	-	-	-	400,000.00					

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner:	City of Foley	Owner's Project No.:	
Engineer:	Bolton & Menk, Inc.	Engineer's Project No.:	R21-120226
Contractor:	Geslinger and Sons, Inc.	Agency's Project No.:	
Project:	Wastewater Regionalization Project		
Contract:	Wastewater Regionalization Project		

Application No.:		2	Application Period:		From	06/24/22	to	07/22/22	Application Date:		07/26/22		
Bid Item No.	Description	Contract Information		F1	F2	G	H	I	J	K	L		
		Item Quantity	Unit Price (\$)									Value of Work Completed to Date (E X G) (\$)	Materials Currently Stored (not in G) (\$)
50	GOLF LIFT STATION ELECTRICAL, GENERATOR, & CONTROLS	1.00	LUMP SUM										
51	CONSTRUCT LIFT STATION - MAIN	1.00	LUMP SUM										
52	MAIN LIFT STATION ELECTRICAL, GENERATOR, & CONTROLS	1.00	LUMP SUM										
53	LIFT STATION ALTERATIONS - LANGE	1.00	LUMP SUM										
54	LANGE LIFT STATION ELECTRICAL, GENERATOR, & CONTROLS	1.00	LUMP SUM										
55	CONSTRUCT ODOR CONTROL BUILDING	1.00	LUMP SUM										
56	ODOR CONTROL BUILDING ELECTRICAL & CONTROLS	1.00	LUMP SUM										
57	PUBLIC WORKS SCADA/ELECTRICAL & PROGRAMMING	1.00	LUMP SUM										
58	CHAIN LINK FENCE	427.00	LIN FT										
59	TRAFFIC CONTROL	1.00	LUMP SUM										
60	EROSION AND SEDIMENT CONTROL	1.00	LUMP SUM										
61	RIPRAP, CLASS III	178.00	CU YD										
62	SEED 25-141, FERTILIZER, HYDRAULIC MATRIX	305.376.00	SQ YD										
63	SEED 25-141, FERTILIZER, EROSION CONTROL BLANKET	54,312.00	SQ YD										
64	SEED 34-171	39,905.00	SQ YD										
65	GENERAL CONSTRUCTION ALLOWANCE	1.00	ALLOWANCE										
66	COMPUTER ALLOWANCE	1.00	ALLOWANCE										
67	ST. CLOUD FLOW METERING ALLOWANCE	1.00	ALLOWANCE										
68	UTILITY SERVICE ALLOWANCE	1.00	ALLOWANCE										
A.1	JACK & AUGER 24" CASING (MIN DIAM) & FORCE MAIN	490.00	LIN FT										
												Original Contract Totals	\$ 16,548,705.51
												\$ 597,550.00	\$ 1,726,224.50
												\$ 2,058,976.55	\$ 3,785,201.05
												23%	\$ 12,763,504.46

Contractor's Application for Payment

City of Foley									
Bolton & Menk, Inc.									
Contractor:									
Geislinger and Sons, Inc.									
Project:									
Wastewater Regionalization Project									
Contract:									
Wastewater Regionalization Project									
Owner's Project No.:									
Engineer's Project No.: R21.120226									
Agency's Project No.:									

Application No.: 2		Application Period: From 06/24/22 to 07/22/22								Application Dates: 07/26/22		
A	B	C	D	E	F	G	H	I	J	K	L	M
Item No. (Lump Sum Tab) or Bid Item No. (Unit Price Tab)	Supplier Invoice No.	Submittal No. (with Specification Section No.)	Description of Materials or Equipment Stored	Storage Location	Application No. When Materials Placed in Storage	Previous Amount Stored (\$)	Materials Stored Amount Stored This Period (\$)	Amount Stored to Date (G+H) (\$)	Amount Previously Incorporated in the Work (\$)	Incorporated In Work Amount Incorporated in the Work this Period (\$)	Total Amount Incorporated in the Work (J+K) (\$)	Materials Remaining in Storage (I-L) (\$)
32	Q955350	1 - 02535	Forcemain Pipe HDPE (9000 LF@\$36.5/Ft)	Contractor secured site	1	328,500.00		328,500.00	-	328,500.00	328,500.00	-
32	Q955352	1 - 02535	Forcemain Pipe HDPE (7200 LF@\$36.5/Ft)	Contractor site	1	262,800.00		262,800.00	108,722.50	53,618.50	161,841.00	100,959.00
35	Q899708	1 - 02535	Forcemain Trenchless (900 LF)	Contractor site	1	60,075.00		60,075.00				60,075.00
32	Q700254	1 - 02535	Forcemain PVC	Contractor site	2		99,397.86	99,397.86			-	99,397.86
35	Q700069	1 - 02535	Forcemain Trenchless - 16" FPVC	Contractor site	2		176,001.04	176,001.04			-	176,001.04
32	Q700202	1 - 02535	Forcemain Pipe HDPE	Contractor site	2		352,726.88	352,726.88			-	352,726.88
32	R108559	1 - 02535	Forcemain Pipe HDPE	Contractor site	2		352,726.88	352,726.88			-	352,726.88
32	R100644	1 - 02535	Forcemain Pipe HDPE	Contractor site	2		211,636.13	211,636.13			-	211,636.13
32	R100672	1 - 02535	Forcemain Pipe HDPE	Contractor site	2		211,636.13	211,636.13			-	211,636.13
32	R108573	1 - 02535	Forcemain Pipe HDPE	Contractor site	2		211,636.13	211,636.13			-	211,636.13
32	R115020	1 - 02535	Forcemain Pipe HDPE	Contractor site	2		141,090.75	141,090.75			-	141,090.75
32	R096653	1 - 02535	Forcemain Pipe HDPE	Contractor site	2		141,090.75	141,090.75			-	141,090.75
Totals:	\$	651,375.00	\$	1,897,942.55	\$	2,549,317.55	\$	436,722.50	\$	53,618.50	\$	2,058,976.55

EXTRACT OF MINUTES OF A MEETING
CITY COUNCIL OF THE
CITY OF FOLEY, MINNESOTA

HELD: AUGUST 2, 2022

Pursuant to due call and notice thereof, a regular or special meeting of the City Council of the City of Foley, Benton County, Minnesota, was duly held at the City Hall on August 2, 2022, at 5:30 P.M., for the purpose in part of awarding the sale of a \$19,790,428 General Obligation Sewer Revenue Note of 2022A.

The following members were present: _____

and the following were absent: _____

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING THE OFFER OF THE MINNESOTA PUBLIC FACILITIES
AUTHORITY TO PURCHASE A \$19,790,428 GENERAL OBLIGATION SEWER REVENUE
NOTE OF 2022A, PROVIDING FOR ITS ISSUANCE AND AUTHORIZING EXECUTION
OF A BOND PURCHASE AND PROJECT LOAN AGREEMENT

A. WHEREAS, the City Council of the City of Foley, Minnesota (the "City"), has heretofore applied for a loan from the Minnesota Public Facilities Authority (the "PFA") to provide financing pursuant to Minnesota Statutes, Chapters 475 and Sections 115.46 and 444.075 for wastewater system improvements including lift stations and a sanitary sewer forcemain to connect to St. Cloud for treatment, as detailed in the Minnesota Pollution Control Agency's certification dated April 26, 2022 (the "Project"); and

B. WHEREAS, the PFA is authorized pursuant to Minnesota Statutes, Chapter 446A, as amended, to issue its bonds (the "PFA Bonds") and to use the proceeds thereof, together with certain other funds, to provide loans and other assistance to municipalities to fund eligible costs of construction of publicly owned clean water systems in accordance with the federal Clean Water Act; and

C. WHEREAS, the City has applied for a loan from the PFA pursuant to such program and the PFA has committed to make a loan to the City in the principal amount of \$19,790,428, to be disbursed and repaid in accordance with the terms of a Minnesota Public Facilities Authority Bond Purchase and Project Loan Agreement dated July 21, 2022 (the "Bond Purchase and Project Loan Agreement"), a copy of which has been presented to the Council and is on file with the Administrator; and

D. WHEREAS, the \$19,790,428 General Obligation Sewer Revenue Note of 2022A (the "Note") of the City is tax-exempt, and in addition the City will need to assure the tax-exemption of the PFA Bonds; and

E. WHEREAS, in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(4), the City is authorized to issue obligations to a board, department or agency of the State of Minnesota by negotiation and without advertisement for bids and the PFA is, and has represented that it is a board, department, or agency of the State of Minnesota; and

F. WHEREAS, the City owns and operates a municipal water system (the "Water System") and a sanitary sewer system (the "Sewer System") as separate revenue producing public utilities; and

G. WHEREAS, the net revenues of the Water System and the Sewer System are pledged to the payment of the "System Portion" of the City's outstanding General Obligation Bonds, Series 2015A, in the original principal amount of \$995,000, dated August 4, 2015 (the "Outstanding Water System and Sewer System Note"); and

H. WHEREAS, a contract or contracts for the Project have been made by the City with the approval of the PFA and all other state and federal agencies of which approval is required:

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Foley, Benton County, Minnesota, as follows:

1. Acceptance of Offer; Payment. The offer of the PFA to purchase a \$19,790,428 General Obligation Sewer Revenue Note of 2022A of the City (the "Note"), at the rate of interest hereinafter set forth, and to pay therefor the sum of \$19,790,428 as provided below, is hereby accepted, and the sale of the Note is hereby awarded to the PFA. Payment for the Note shall be disbursed in installments as eligible costs of the Project are reimbursed or paid, all as provided in the Bond Purchase and Project Loan Agreement.

2. Title; Date; Denomination; Interest Rates; Maturities. The Note shall be a fully registered negotiable obligation, shall be titled "General Obligation Sewer Revenue Note of 2022A," shall be dated as of the date of delivery and shall be issued forthwith. The Note shall be in the principal amount of \$19,790,428, or so much thereof as shall be disbursed pursuant to the Bond Purchase and Project Loan Agreement, shall bear interest on so much of the principal amount of the Note as may be disbursed and remains unpaid until the principal amount of the Note has been paid or has been provided for, at the rate of 2.587% per annum (calculated on the basis of a 360-day year of twelve 30-day months). Interest on the Note is payable semi-annually on February 20 and August 20, commencing August 20, 2023. Interest starts accruing as of the date of the initial disbursement. Principal on the Note shall mature on August 20 of the years and in the installments as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2023	\$226,428	2038	\$667,000
2024	231,000	2039	685,000
2025	479,000	2040	702,000
2026	491,000	2041	721,000
2027	504,000	2042	739,000

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2028	517,000	2043	758,000
2029	530,000	2044	778,000
2030	544,000	2045	798,000
2031	558,000	2046	819,000
2032	573,000	2047	840,000
2033	587,000	2048	862,000
2034	603,000	2049	884,000
2035	618,000	2050	907,000
2036	634,000	2051	930,000
2037	651,000	2052	954,000

Interest shall accrue only on the aggregate amount of the Note which has been disbursed and is unpaid under the Bond Purchase and Project Loan Agreement. The principal installments shall be paid in the amounts scheduled above even if at the time of payment the full principal amount of the Note has not been disbursed; provided that if the full principal amount of the Note is never disbursed, the amount of the principal not disbursed shall be applied to reduce each unpaid principal installment in the proportion that such installment bears to the total of all unpaid principal installments (i.e., the remaining principal payment schedule shall be reamortized to provide similarly level annual installments of total debt service payments). Principal, interest and any premium due under the Note will be paid on each payment date by wire payment, or by check or draft mailed at least five business days prior to the payment date to the person in whose name the Note is registered, in any coin or currency of the United States which at the time of payment is legal tender for public and private debts.

Interest on the Note includes amounts treated by the PFA as service fees.

3. Purpose; Cost. The proceeds of the Note shall provide funds to finance construction of the Project. The total cost of the construction of the Project, including legal and other professional charges, publication and printing costs, interest accruing on money borrowed for the Project before the collection of net revenues pledged and appropriated therefor, and all other costs necessarily incurred and to be incurred from the inception to the completion of the Project, is estimated to be at least equal to the amount of the Note. The City covenants that it shall do all things and perform all acts required of it to assure that work on the Project proceeds with due diligence to completion and that any and all permits and studies required under law for the Project are obtained.

4. Redemption. The Note shall be subject to redemption and prepayment in whole or in part at the option of the City, subject to the written consent of the PFA, or mandatorily as provided in the Bond Purchase and Project Loan Agreement.

5. Registration of Note. At the time of issuance and delivery of the Note, the officer of the City performing the functions of the treasurer (the "Treasurer") shall register the Note in the name of the payee in a note register which the Treasurer and the officer's successors in office shall maintain for the purpose of registering the ownership of the Note. The Note shall be prepared for execution with an appropriate text and spaces for notation of registration. The force and effect of such registration shall be as stated in the form of Note hereinafter set forth.

Payment of principal installments and interest, whether upon redemption or otherwise, made with respect to the Note, may be made to the registered holder thereof or to the registered holder's legal representative, without presentation or surrender of the Note.

6. Form of Note. The Note, together with the Certificate of Registration attached thereto, shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF BENTON
CITY OF FOLEY

\$19,790,428 GENERAL OBLIGATION SEWER REVENUE NOTE OF 2022A

THE CITY OF FOLEY, BENTON COUNTY, MINNESOTA (the "City"), certifies that it is indebted and for value received promises to pay to the Minnesota Public Facilities Authority or the registered assign, the principal sum of NINETEEN MILLION SEVEN HUNDRED NINETY THOUSAND FOUR HUNDRED TWENTY EIGHT DOLLARS, or so much thereof as may have been disbursed, on August 20 of the years and in the installments as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2023	\$226,428	2038	\$667,000
2024	231,000	2039	685,000
2025	479,000	2040	702,000
2026	491,000	2041	721,000
2027	504,000	2042	739,000
2028	517,000	2043	758,000
2029	530,000	2044	778,000
2030	544,000	2045	798,000
2031	558,000	2046	819,000
2032	573,000	2047	840,000
2033	587,000	2048	862,000
2034	603,000	2049	884,000
2035	618,000	2050	907,000
2036	634,000	2051	930,000
2037	651,000	2052	954,000

and to pay interest on so much of the principal amount of the debt as may be disbursed and remains unpaid until the principal amount hereof is paid or has been provided for, at the rate of 2.587% per annum (calculated on the basis of a 360-day year of twelve 30-day months). Interest on the Note is payable semi-annually on February 20 and August 20, commencing August 20, 2023. Interest starts accruing as of the date of the initial disbursement.

Principal and Interest Payments. Interest shall accrue only on the aggregate amount of this Note which has been disbursed under the Minnesota Public Facilities Authority Bond Purchase and Project Loan Agreement dated as of July 21, 2022, by and between the City and

the Minnesota Public Facilities Authority (the "Bond Purchase and Project Loan Agreement"). The principal installments shall be paid in the amounts scheduled above even if at the time of payment the full principal amount of this Note has not been disbursed; provided that if the full principal amount of this Note is never disbursed, the amount of the principal not disbursed shall be applied to reduce each unpaid principal installment in the proportion that such installment bears to the total of all unpaid principal installments (i.e., the remaining principal payment schedule shall be reamortized to provide similarly level annual installments of total debt service payments). Interest on this Note includes amounts treated by the Minnesota Public Facilities Authority as service fees. Principal, interest and any premium due under this Note will be paid on each payment date by wire payment, or by check or draft mailed at least five business days prior to the payment date to the person in whose name this Note is registered, in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts.

Redemption. This Note shall be subject to redemption and prepayment in whole or in part at the option of the City, subject to the written consent of the Minnesota Public Facilities Authority, or mandatorily as provided in the Bond Purchase and Project Loan Agreement.

Purpose; General Obligation. This Note has been issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota for the purpose of providing money for wastewater system improvements including lift stations and a sanitary sewer forcemain to connect to St. Cloud for treatment as detailed in the Minnesota Pollution Control Agency's certification dated April 26, 2022 (the "Project") and is payable out of the PFA Debt Service Account of the Sewer Fund of the City, to which account have been pledged net revenues of the Sewer System. This Note constitutes a general obligation of the City, and to provide moneys for the prompt and full payment of said principal installments and interest when the same become due, the full faith, credit and taxing powers of the City have been and are hereby irrevocably pledged.

Registration; Transfer. This Note shall be registered in the name of the payee on the books of the City by presenting this Note for registration to the Treasurer, who will endorse his or her name and note the date of registration opposite the name of the payee in the certificate of registration attached hereto. Thereafter this Note may be transferred to a bona fide purchaser only by delivery with an assignment duly executed by the registered owner or the registered owner's legal representative, and the City may treat the registered owner as the person exclusively entitled to exercise all the rights and powers of an owner until this Note is presented with such assignment for registration of transfer, accompanied by assurance of the nature provided by law that the assignment is genuine and effective, and until such transfer is registered on said books and noted hereon by the Treasurer.

Fees Upon Transfer or Loss. The Treasurer may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer of this Note and any legal or unusual costs regarding transfers and lost notes.

Bond Purchase and Project Loan Agreement. The terms and conditions of the Bond Purchase and Project Loan Agreement are incorporated herein by reference and made a part hereof. The Bond Purchase and Project Loan Agreement may be attached to this Note, and shall

be attached to this Note if the holder of this Note is any person other than the Minnesota Public Facilities Authority.

Tax-Exempt Obligation. The City intends that the interest on this Note will be excluded from gross income for United States income tax purposes or from both gross income and taxable net income for State of Minnesota income tax purposes.

Not Qualified Tax-Exempt Obligation. This Bond has not been designated by the Issuer as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed, precedent to and in the issuance of this Note, have been done, have happened and have been performed, in regular and due form, time and manner as required by law; that the City has covenanted and agreed with the holder of this Note that it will impose and collect charges for the service, use and availability of and connection to the Sewer System at the times and in amounts necessary to produce net revenues adequate to pay all principal and interest when due on this Note; that the City will levy a direct, annual, irrevocable ad valorem tax upon all of the taxable property in the City, without limitation as to rate or amount, for the years and in amounts sufficient to pay the installments of principal and interest on this Note as they respectively become due, if the net revenues from the Sewer System and any other revenues irrevocably appropriated to said PFA Debt Service Account are insufficient therefor; and that this Note, together with all other debts of the City outstanding on the date hereof, being the date of its actual issuance and delivery, does not exceed any city charter, constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the City of Foley, Benton County, Minnesota, by its City Council has caused this Note to be executed on its behalf by the manual signatures of its Mayor and of its Administrator, and the corporate seal of the City having been intentionally omitted as permitted by law, all as of (do not date), 2022.

CITY OF FOLEY, BENTON COUNTY,
MINNESOTA

(do not sign)
Mayor

(do not sign)
Administrator

CERTIFICATE OF REGISTRATION

The transfer of ownership of the principal amount of the attached Note may be made only by the registered owner or his, her or its legal representative last noted below.

DATE OF
REGISTRATION

REGISTERED OWNER

SIGNATURE OF
TREASURER

(do not date)

Minnesota Public Facilities Authority
Saint Paul, Minnesota
Federal Employer Identification
No. 41-6007162

(do not sign)

7. Execution. The Note shall be executed on behalf of the City by the electronic signatures or manual signatures of its Mayor and Administrator; the seal of the City has been intentionally omitted as permitted by law. The electronic signature of the Mayor and/or the Administrator to this resolution and to any certificate authorized to be executed hereunder shall be as valid as an original signature of such party and shall be effective to bind the City thereto. For purposes hereof, (i) "electronic signature" means (a) a manually signed original signature that is then transmitted by electronic means or (b) a signature obtained through DocuSign or a similarly digitally auditable signature gathering process; and (ii) "transmitted by electronic means" means sent in the form of a facsimile or sent via the internet as a portable document format ("pdf") or other replicating image attached to an electronic mail or internet message. In the event of disability or resignation or other absence of either such officer, the Note may be signed by electronic signature or manual signature of that officer who may act on behalf of such absent or disabled officer. In case either such officer whose signature shall appear on the Note shall cease to be such officer before the delivery of the Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

8. Delivery; Application of Proceeds. The Note when so prepared and executed shall be delivered by the Treasurer to the purchaser thereof prior to disbursements pursuant to the Bond Purchase and Project Loan Agreement, and the purchaser shall not be obliged to see to the proper application thereof.

9. Fund and Accounts. There has heretofore been created a separate fund in the City treasury designated the Sewer Fund (the "Fund"). The Treasurer and all municipal officials and employees concerned therewith shall maintain financial records of the receipts and disbursements of the Sewer System in accordance with the resolutions establishing the Fund. The Operation and Maintenance Account heretofore established by the City for the Sewer System shall continue to be maintained in the manner heretofore provided by the City. All moneys remaining after paying or providing for the items set forth in the resolution establishing the Operation and Maintenance Account shall constitute and are referred to as "net revenues" until the Note has have been paid. There shall be maintained in the Fund the following accounts:

(a) A "PFA Construction Account", to which shall be credited all proceeds received from the sale of the Note. The Note shall be the only source of moneys credited to the PFA Construction Account. It is recognized that the sale proceeds of the Note are received in reimbursement for costs expended on the Project or in direct payment of such costs, and that accordingly the moneys need not be placed in the PFA Construction Account upon receipt but may be applied immediately to reimburse the source from which the expenditure was made. The moneys in the PFA Construction Account shall be used solely for the purpose of paying for the cost of constructing the Project, including all costs enumerated in Minnesota Statutes, Section 475.65, provided that such moneys shall only be expended for costs and expenses which are permitted under the Bond Purchase and Project Loan Agreement. The PFA prohibits the use of proceeds of the Note to reimburse costs initially paid from proceeds of other obligations of the City unless otherwise specifically approved. Upon completion of the Project and the payment of the costs thereof, any surplus shall be transferred to the PFA Debt Service Account.

(b) A "PFA Debt Service Account", to which shall be irrevocably appropriated, pledged and credited: (i) net revenues of the Sewer System in an amount sufficient to pay the principal of, and interest on, the Note when due; (ii) any collection of taxes which may hereafter be levied in the event the net revenues of the Sewer System herein pledged for the payment of the Note are insufficient therefor; (iii) all investment earnings on moneys held in the PFA Debt Service Account; (iv) any amounts transferred from the PFA Construction Account; and (v) any other moneys which are properly available and are appropriated by the City Council to the PFA Debt Service Account. The moneys in the PFA Debt Service Account shall be used only to pay or prepay the principal of, and interest on, the Note and any other general obligation bonds hereafter issued and made payable from the PFA Debt Service Account, and to pay any rebate due to the United States with respect to the PFA Bonds in connection with the Note.

No portion of the proceeds of the Note shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (1) for a reasonable temporary period until such proceeds are needed for the purpose for which the Note was issued, and (2) in addition to the above in an amount not greater than the lesser of five percent of the proceeds of the Note or \$100,000. To this effect, any proceeds of the Note or any sums from time to time held in the PFA Construction Account, Operation and Maintenance Account or PFA Debt Service Account (or any other City account which will be used to pay principal or interest to become due on the Note) in excess of amounts which under then applicable federal arbitrage regulations may be invested without regard to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by said arbitrage regulations on such investments after taking into account any applicable "temporary periods" or "minor portion" made available under the federal arbitrage regulations. In addition, moneys in the Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Note to be "federally guaranteed" within the meaning of Section 149(b) of the federal Internal Revenue Code of 1986, as amended (the "Code").

The City shall observe the covenants of paragraphs 16, 17 and 18 of this resolution and of Article 3 of the Bond Purchase and Project Loan Agreement with regard to the Fund.

10. Coverage Test; Pledge of Net Revenues; Excess Revenues. It is hereby found, determined and declared that the net revenues of the Sewer System are sufficient in amount to pay when due the principal of and interest on the Note and a sum at least five percent in excess thereof. It is hereby found, determined and declared that the net revenues of the Sewer System is sufficient in amount to pay when due the principal of and interest the Outstanding Water System and Sewer System Note and a sum at least five percent in excess thereof. The net revenues of the Sewer System are hereby pledged on a parity lien with the Outstanding Water System and Sewer System Note to the payment of the Note, but solely to the extent required to meet, together with other pledged sums, the principal and interest requirements of the Note. Excess net revenues may be used for any proper purpose.

Nothing contained herein shall be deemed to preclude the City from making further pledges and appropriations of the net revenues of the Sewer System for the payment of other or

additional obligations of the City, provided that it has first been determined by the City Council that estimated net revenues of the Sewer System will be sufficient, in addition to all other sources, for the payment of the Note and such additional obligations, and any such pledge and appropriation of net revenues may be made superior or subordinate to, or on a parity with, the pledge and appropriation herein. Net revenues in excess of those required for the foregoing may be used for any proper purpose.

11. Pledge to Produce Revenues. In accordance with Minnesota Statutes, Section 444.075, the City hereby covenants and agrees with the holder of the Note that it will impose and collect charges for the service, use and availability of and connection to the Sewer System at the times and in the amounts required to produce net revenues adequate to pay, together with other pledged sums, all principal and interest when due on the Note. However, nothing herein shall preclude the City from levying taxes for the payment of the Note as permitted by Minnesota Statutes, Section 115.46.

12. General Obligation Pledge. The full faith, credit and taxing powers of the City shall be, and are hereby, irrevocably pledged for the prompt and full payment of the principal and interest on the Note as the same respectively become due. If the net revenues of the Sewer System appropriated and pledged to the payment of principal and interest on the Note, together with other funds irrevocably appropriated to the PFA Debt Service Account, shall at any time be insufficient to pay such principal and interest when due, the City covenants and agrees to levy, without limitation as to rate or amount, an ad valorem tax upon all taxable property in the City sufficient to pay such principal and interest as they become due. If the balance in the PFA Debt Service Account is ever insufficient to pay all principal and interest then due on the Note and any other obligations payable therefrom, the deficiency shall be promptly paid out of any other funds of the City which are available for such purpose, and such other funds may be reimbursed, with or without interest, from the PFA Debt Service Account when a sufficient balance is available therein.

13. Certificate of Registration. The Administrator is hereby directed to file a certified copy of this resolution with the County Auditor of Benton County, Minnesota, together with such other information as the County Auditor shall require, and to obtain the County Auditor's certificate that the Note has been entered in the County Auditor's Bond Register.

14. Bond Purchase and Project Loan Agreement. The Bond Purchase and Project Loan Agreement is hereby approved in substantially the form presented to the City Council, and in the form executed by electronic signatures or manual signatures is hereby incorporated by reference and made a part of this resolution. The electronic signature of the Mayor and/or the Administrator to this Bond Purchase and Project Loan Agreement and to any certificate authorized to be executed hereunder shall be as valid as an original signature of such party and shall be effective to bind the City thereto. For purposes hereof, (i) "electronic signature" means (a) a manually signed original signature that is then transmitted by electronic means or (b) a signature obtained through DocuSign or a similarly digitally auditable signature gathering process; and (ii) "transmitted by electronic means" means sent in the form of a facsimile or sent via the internet as a portable document format ("pdf") or other replicating image attached to an electronic mail or internet message. Each and all of the provisions of this resolution relating to the Note are intended to be consistent with the provisions of the Bond Purchase and Project Loan

Agreement, and to the extent that any provision in the Bond Purchase and Project Loan Agreement is in conflict with this resolution as it relates to the Note, that provision shall control and this resolution shall be deemed accordingly modified. The City's execution and delivery of the Bond Purchase and Project Loan Agreement by the Mayor and Administrator is hereby approved, ratified and authorized. The execution of the Bond Purchase and Project Loan Agreement by the appropriate officers shall be conclusive evidence of the approval of the Bond Purchase and Project Loan Agreement in accordance with the terms hereof. The Bond Purchase and Project Loan Agreement may be attached to the Note, and shall be attached to the Note if the holder of the Note is any person other than the PFA.

15. Compliance With Reimbursement Bond Regulations. The provisions of this paragraph are intended to establish and provide for the City's compliance with United States Treasury Regulations Section 1.150-2 (the "Reimbursement Regulations") applicable to the "reimbursement proceeds" of the Bonds, being those portions thereof which will be used by the City to reimburse itself for any expenditure which the City paid or will have paid prior to the Closing Date (a "Reimbursement Expenditure").

The City hereby certifies and/or covenants as follows:

(a) Not later than sixty days after the date of payment of a Reimbursement Expenditure, the City (or person designated to do so on behalf of the City) has made or will have made a written declaration of the City's official intent (a "Declaration") which effectively (i) states the City's reasonable expectation to reimburse itself for the payment of the Reimbursement Expenditure out of the proceeds of a subsequent borrowing; (ii) gives a general and functional description of the property, project or program to which the Declaration relates and for which the Reimbursement Expenditure is paid, or identifies a specific fund or account of the City and the general functional purpose thereof from which the Reimbursement Expenditure was to be paid (collectively the "Project"); and (iii) states the maximum principal amount of debt expected to be issued by the City for the purpose of financing the Project; provided, however, that no such Declaration shall necessarily have been made with respect to: (i) "preliminary expenditures" for the Project, defined in the Reimbursement Regulations to include engineering or architectural, surveying and soil testing expenses and similar preliminary costs, which in the aggregate do not exceed twenty percent of the "issue price" of the Bonds, and (ii) a *de minimis* amount of Reimbursement Expenditures not in excess of the lesser of \$100,000 or five percent of the proceeds of the Bonds.

(b) Each Reimbursement Expenditure is a capital expenditure or a cost of issuance of the Bonds or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Reimbursement Regulations.

(c) The "reimbursement allocation" described in the Reimbursement Regulations for each Reimbursement Expenditure shall and will be made forthwith following (but not prior to) the issuance of the Bonds, and not later than 18 months after the later of (i) the date of the payment of the Reimbursement Expenditure, or (ii) the date on which the Project to which the Reimbursement Expenditure relates is first placed in service, but in no event more than three years after the date of payment of the Reimbursement Expenditure.

(d) Each such reimbursement allocation will be made in a writing that evidences the City's use of Bond proceeds to reimburse the Reimbursement Expenditure and, if made within 30 days after the Bonds are issued, shall be treated as made on the day the Bonds are issued.

Provided, however, that the City may take action contrary to any of the foregoing covenants in this paragraph upon receipt of an opinion of its Bond Counsel for the Bonds stating in effect that such action will not impair the tax-exempt status of the Bonds.

16. Records and Certificates. The officers of the City are hereby authorized and directed to prepare and furnish to the PFA, and to the attorneys approving the legality of the issuance of the Note, certified copies of all proceedings and records of the City relating to the Note and to the financial condition and affairs of the City, and such other affidavits, certificates and information as are required to show the facts relating to the legality and marketability of the Note as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

17. Negative Covenants as to Use of Proceeds and Project. The City hereby covenants not to use the proceeds of the Note or to use the Project, or to cause or permit them to be used, or to enter into any deferred payment arrangements for the cost of the Project, in such a manner as to cause the Note to be a "private activity bond" within the meaning of Sections 103 and 141 through 150 of the Code. The City reasonably expects that no actions will be taken over the term of the Note that would cause it to be a private activity bond, and the average term of the Note is not longer than reasonably necessary for the governmental purpose of the issue. The City hereby covenants not to use the proceeds of the Note in such a manner as to cause the Note to be a "hedge bond" within the meaning of Section 149(g) of the Code.

The City hereby covenants not to use the proceeds of the Note or to use the Project, or to cause or permit them to be used, or to enter into any deferred payment arrangement for the cost of the Project, in such a manner as to cause the PFA Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code. The City reasonably expects that it will take no actions over the term of the Note that would cause the PFA Bonds to be private activity bonds, and the average term of the Note is not longer than reasonably necessary for its governmental purpose.

18. Tax-Exempt Status of the Note; Rebate. The City shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Bonds, including without limitation (i) requirements relating to temporary periods for investments, (ii) limitations on amounts invested at a yield greater than the yield on the Bonds, and (iii) the rebate of excess investment earnings to the United States. The City expects to satisfy the twenty-four month exemption for gross proceeds of the Bonds as provided in Section 1.148-7(e) of the Regulations. The Mayor and/or the Administrator, are hereby authorized and directed to make such elections as to arbitrage and rebate matters relating to the Bonds as they deem necessary, appropriate or desirable in connection with the Bonds, and all such elections shall be, and shall be deemed and treated as, elections of the City.

19. Tax-Exempt Status of the PFA Bonds; Rebate. The City with respect to the Note shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the PFA Bonds, including without limitation (a) requirements relating to temporary periods for investments, (b) limitations on amounts invested at a yield greater than the yield on the PFA Bonds, and (c) the rebate of excess investment earnings to the United States. The City covenants and agrees with the PFA and holders of the Note that the investments of proceeds of the Note, including the investment of any revenues pledged to the Note which are considered gross proceeds of the PFA Bonds under the applicable regulations, and accumulated sinking funds, if any, shall be limited as to amount and yield in such manner that the PFA Bonds shall not be arbitrage bonds within the meaning of Section 148 of the Code and any regulations thereunder. On the basis of the existing facts, estimates and circumstances, including the foregoing findings and covenants, the City hereby certifies that it is not expected that the proceeds of the Note will be used in such manner as to cause the PFA Bonds to be arbitrage bonds under Section 148 of the Code and any regulations thereunder. The Mayor and City Administrator shall furnish a certificate to the PFA embracing or based on the foregoing certification at the time of delivery of the Note to the PFA. The proceeds of the Note will likewise be used in such manner that the Note is not a private activity bond under Section 103(b) of the Code.

20. Not Qualified Tax-Exempt Obligation. This Bond has not been designated by the Issuer as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

21. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

22. Headings. Headings in this resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and, after full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof: _____

and the following voted against the same: _____

Whereupon the resolution was declared duly passed and adopted.

STATE OF MINNESOTA
COUNTY OF BENTON
CITY OF FOLEY

I, the undersigned, being the duly qualified and acting City Administrator of the City of Foley, Minnesota do hereby certify that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council, duly called and held on the date therein indicated, insofar as such minutes relate to the \$19,790,428 General Obligation Sewer Revenue Note of 2022A.

WITNESS my hand and City's seal on August 2, 2022.

City Administrator

(SEAL)

ORDINANCE NO. _____

**AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE
SALE OF CERTAIN EDIBLE CANNABINOID PRODUCTS**

WHEREAS, the City of Sartell (“City”) administers the permitting for certain business activities within the City;

WHEREAS, the Sartell City Council may adopt official controls establishing the permitting and administrative process of certain regulated activity, like liquor and tobacco;

WHEREAS, the City does permit certain activities, like liquor licensing, and administrative conducts compliance checks on institutions selling liquor and tobacco;

WHEREAS, the Minnesota legislature recently amended Minnesota Statute § 151.72 to allow for the sale of certain edible cannabinoid products extracted from hemp within the State of Minnesota, effective July 1, 2022;

WHEREAS, the legislation does not prohibit municipalities from regulating the sale of cannabinoid products locally;

WHEREAS, the impacts of the legislation are still being realized and new permitting and administrative processes are being developed, both within the City and the State, to ensure compliance with recent legislation; and

WHEREAS, the City has significant health and safety concerns regarding the impacts of the sale of edible cannabinoid products within the City and wishes to prevent negative consequences of premature selling of edible cannabinoid products until proper permitting and administrative processes can be developed;

WHEREAS, the City has significant land use and planning concerns regarding the compatibility of businesses that sell edible cannabinoid products within the City and wishes to prevent incompatibility of uses while the issue is studied;

WHEREAS, the City desires to conduct further studies on the issues of selling edible cannabinoid products until an official control can be adopted to ensure the health, safety, and welfare of its residents;

WHEREAS, the City desires to conduct further studies on how to best permit the sale of edible cannabinoid products, similar to the process of permitting liquor licenses; and

WHEREAS, the City believes that this moratorium will ensure that further studies can be completed to protect the health, safety, and welfare by developing a permitting and administrative process for edible cannabinoid products within the City and considering land use implications.

NOW, THEREFORE, the Sartell City Council adopts the following findings:

1. The recitals above are incorporated into the findings;
2. The City desires to develop a permitting and administrative process for edible cannabinoid products that will promote the health, safety, and welfare of its residents;
3. The City is concerned that without a permitting and administrative process for edible cannabinoid products, the health, safety, and welfare of its residents are put at risk as there is no control in place to ensure compliance with the law of the State of Minnesota;
4. The City is concerned that uses involving the sale of edible cannabinoid products may be incompatible use other land uses provided for in the City comprehensive plan and zoning ordinance;
5. The City desires to impose a moratorium on the sale of edible cannabinoid products to allow time to develop a permitting and administrative process, similar to the process the City uses to permit liquor licensing;
6. The City anticipates developing this process, codifying appropriate ordinance and zoning code revisions, and consider appropriate permitting standards;
7. The City Council needs an opportunity to conduct a study of how to best develop the permitted process, study what ordinances may need to be revised, and develop the proper permitting standards;
8. During the time of the study, it is necessary to protect the health, safety, and welfare of residence of the City;
9. An interim ordinance, pursuant to Minnesota Statutes § 462.55, is necessary to allow the City time to update its ordinances and regulations, ensure compliance with state laws, as well as restrict any action from harming the health, safety, and welfare of residents within the City;
10. An interim ordinance temporarily prohibiting the sale of edible cannabinoid products, under Minnesota Statute § 151.72, is necessary to protect the health, safety, and welfare of residents within the City; and
11. The City intends to lift the moratorium as quickly as the permitting and admirative processes are adopted by the City.

NOW, THEREFORE, pursuant to Minnesota Statutes § 462.355, the Sartell City Council hereby ordains:

Section 1. Interim Ordinance.

1. **Temporary Restriction.** A moratorium prohibiting the sale of edible cannabinoid products extracted from hemp is hereby established. For purposes of this Ordinance, the same definitions and meaning described in Minnesota Statute § 151.72, have the same definitions and meanings in this ordinance.
2. **Duration.** The intent of the City is that this moratorium will be lifted within twelve months, however this moratorium shall be in effect for a period of one year, or until such earlier time as the Sartell City Council determines the moratorium is no longer necessary.

3. **Effective Date.** This Ordinance shall be effective immediately upon its adoption.
4. **Validity.** Every section, provision, or part of this Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Interim Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.
5. **Enforcement and Penalty.** The City may enforce this Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance shall constitute a misdemeanor. Each day a violation occurs shall be considered a separate offense.

Section 2. Summary Publication.

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

“AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE SALE OF CERTAIN EDIBLE CANNABINOID PRODUCTS. It is the intent and effect of this Ordinance to prohibit the sale of certain edible cannabinoid products, allowed under Minnesota Statutes § 151.72, until the City of Sartell can study the effects of such activities, the appropriateness of existing regulations and designations, and ensure that zoning regulations and designations are consistent with existing law and adequately protect public health, safety, and welfare.”

A printed copy of the Ordinance is available for inspection by any person during regular office hours at City Hall.

Adopted by the Sartell City Council this ____ of _____, 2022.

Ryan Fitzthum, Mayor

Anna Gruber, City Administrator

Foley - cw02

Loan Amortization Schedule

MPFA-CWRF-L-____-FY____

19,790,428.00

Rate: 2.587%

Construct forcemain to St. Cloud

Date:

Type of Note:

Tax Exempt

Maturity: 08/20/52

Revenue Note

final loan amount: 19,790,428.00

Date	Effective	Source	Disbursement	Repayment	Interest	Principal	Loan Balance	Annl Debt Srv
projected	09/28/22	Op Res	19,790,428.00				19,790,428.00	
projected	10/26/22	Op Res			39,820.54		19,790,428.00	
projected	11/23/22	Op Res			73,218.92		19,790,428.00	
projected	12/28/22	Op Res			111,160.60		19,790,428.00	
projected	01/25/23	Op Res			166,392.98		19,790,428.00	
projected	02/28/23	Op Res			213,324.33		19,790,428.00	
projected	03/29/23	Op Res			254,567.03		19,790,428.00	
	08/20/23			681,519.89	455,091.89	226,428.00	19,564,000.00	681,519.89
	02/20/24			253,060.34	253,060.34		19,564,000.00	
	08/20/24			484,060.34	253,060.34	231,000.00	19,333,000.00	737,120.68
	02/20/25			250,072.36	250,072.36		19,333,000.00	
	08/20/25			729,072.36	250,072.36	479,000.00	18,854,000.00	979,144.72
	02/20/26			243,876.49	243,876.49		18,854,000.00	
	08/20/26			734,876.49	243,876.49	491,000.00	18,363,000.00	978,752.98
	02/20/27			237,525.41	237,525.41		18,363,000.00	
	08/20/27			741,525.41	237,525.41	504,000.00	17,859,000.00	979,050.82
	02/20/28			231,006.17	231,006.17		17,859,000.00	
	08/20/28			748,006.17	231,006.17	517,000.00	17,342,000.00	979,012.34
	02/20/29			224,318.77	224,318.77		17,342,000.00	
	08/20/29			754,318.77	224,318.77	530,000.00	16,812,000.00	978,637.54
	02/20/30			217,463.22	217,463.22		16,812,000.00	
	08/20/30			761,463.22	217,463.22	544,000.00	16,268,000.00	978,926.44
	02/20/31			210,426.58	210,426.58		16,268,000.00	
	08/20/31			768,426.58	210,426.58	558,000.00	15,710,000.00	978,853.16
	02/20/32			203,208.85	203,208.85		15,710,000.00	
	08/20/32			776,208.85	203,208.85	573,000.00	15,137,000.00	979,417.70
	02/20/33			195,797.10	195,797.10		15,137,000.00	
	08/20/33			782,797.10	195,797.10	587,000.00	14,550,000.00	978,594.20
	02/20/34			188,204.25	188,204.25		14,550,000.00	
	08/20/34			791,204.25	188,204.25	603,000.00	13,947,000.00	979,408.50
	02/20/35			180,404.45	180,404.45		13,947,000.00	
	08/20/35			798,404.45	180,404.45	618,000.00	13,329,000.00	978,808.90
	02/20/36			172,410.62	172,410.62		13,329,000.00	
	08/20/36			806,410.62	172,410.62	634,000.00	12,695,000.00	978,821.24
	02/20/37			164,209.83	164,209.83		12,695,000.00	
	08/20/37			815,209.83	164,209.83	651,000.00	12,044,000.00	979,419.66
	02/20/38			155,789.14	155,789.14		12,044,000.00	
	08/20/38			822,789.14	155,789.14	667,000.00	11,377,000.00	978,578.28
	02/20/39			147,161.50	147,161.50		11,377,000.00	
	08/20/39			832,161.50	147,161.50	685,000.00	10,692,000.00	979,323.00
	02/20/40			138,301.02	138,301.02		10,692,000.00	
	08/20/40			840,301.02	138,301.02	702,000.00	9,990,000.00	978,602.04
	02/20/41			129,220.65	129,220.65		9,990,000.00	
	08/20/41			850,220.65	129,220.65	721,000.00	9,269,000.00	979,441.30
	02/20/42			119,894.52	119,894.52		9,269,000.00	
	08/20/42			858,894.52	119,894.52	739,000.00	8,530,000.00	978,789.04
	02/20/43			110,335.55	110,335.55		8,530,000.00	
	08/20/43			868,335.55	110,335.55	758,000.00	7,772,000.00	978,671.10

Date	Effective	Source	Disbursement	Loan Amortization Schedule		Principal	Loan Balance	Annl Debt Srv
				Repayment	Interest			
	02/20/44			100,530.82	100,530.82		7,772,000.00	
	08/20/44			878,530.82	100,530.82	778,000.00	6,994,000.00	979,061.64
	02/20/45			90,467.39	90,467.39		6,994,000.00	
	08/20/45			888,467.39	90,467.39	798,000.00	6,196,000.00	978,934.78
	02/20/46			80,145.26	80,145.26		6,196,000.00	
	08/20/46			899,145.26	80,145.26	819,000.00	5,377,000.00	979,290.52
	02/20/47			69,551.50	69,551.50		5,377,000.00	
	08/20/47			909,551.50	69,551.50	840,000.00	4,537,000.00	979,103.00
	02/20/48			58,686.10	58,686.10		4,537,000.00	
	08/20/48			920,686.10	58,686.10	862,000.00	3,675,000.00	979,372.20
	02/20/49			47,536.13	47,536.13		3,675,000.00	
	08/20/49			931,536.13	47,536.13	884,000.00	2,791,000.00	979,072.26
	02/20/50			36,101.59	36,101.59		2,791,000.00	
	08/20/50			943,101.59	36,101.59	907,000.00	1,884,000.00	979,203.18
	02/20/51			24,369.54	24,369.54		1,884,000.00	
	08/20/51			954,369.54	24,369.54	930,000.00	954,000.00	978,739.08
	02/20/52			12,339.99	12,339.99		954,000.00	
	08/20/52			966,339.99	12,339.99	954,000.00	-	978,679.98
totals			19,790,428.00	28,830,350.17	9,039,922.17	19,790,428.00		28,830,350.17

Calculation of Loan Rate for Foley - cw02

MPFA-CWRF-L-___-FY__

FINAL

Date	Principal	07/20/22 Rate Scales		Cash flow using principal schedule and these rate scales:		Present Value of Cash Flows and these rate scales *:	
		PFA Bonds	MMD AAA	PFA Bonds	MMD AAA	PFA Bonds	MMD AAA
09/28/22	(19,790,428.00)			(19,790,428.00)			(19,790,428.00)
08/20/23	226,428.00		1.70%	706,723.45			689,137.99
02/20/24	-			266,563.50			256,294.92
08/20/24	231,000.00		1.80%	497,563.50			471,704.96
02/20/25	-			264,484.50			247,232.05
08/20/25	479,000.00		1.91%	743,484.50			685,265.85
02/20/26	-			259,910.05			236,207.06
08/20/26	491,000.00		1.98%	750,910.05			672,884.20
02/20/27	-			255,049.15			225,350.70
08/20/27	504,000.00		2.14%	759,049.15			661,283.30
02/20/28	-			249,656.35			214,458.32
08/20/28	517,000.00		2.25%	766,656.35			649,357.17
02/20/29	-			243,840.10			203,643.55
08/20/29	530,000.00		2.31%	773,840.10			637,234.64
02/20/30	-			237,718.60			193,016.27
08/20/30	544,000.00		2.39%	781,718.60			625,840.74
02/20/31	-			231,217.80			182,522.86
08/20/31	558,000.00		2.44%	789,217.80			614,292.90
02/20/32	-			224,410.20			172,228.03
08/20/32	573,000.00		2.53%	797,410.20			603,428.27
02/20/33	-			217,161.75			162,035.37
08/20/33	587,000.00		2.59%	804,161.75			591,633.18
02/20/34	-			209,560.10			152,019.86
08/20/34	603,000.00		2.64%	812,560.10			581,205.68
02/20/35	-			201,600.50			142,183.30
08/20/35	618,000.00		2.66%	819,600.50			569,956.63
02/20/36	-			193,381.10			132,597.78
08/20/36	634,000.00		2.68%	827,381.10			559,384.51
02/20/37	-			184,885.50			123,250.96
08/20/37	651,000.00		2.72%	835,885.50			549,435.70
02/20/38	-			176,031.90			114,089.08
08/20/38	667,000.00		2.75%	843,031.90			538,740.14
02/20/39	-			166,860.65			105,140.94
08/20/39	685,000.00		2.79%	851,860.65			529,260.06
02/20/40	-			157,304.90			96,366.36
08/20/40	702,000.00		2.84%	859,304.90			519,054.66
02/20/41	-			147,336.50			87,752.35
08/20/41	721,000.00		2.86%	868,336.50			509,940.03
02/20/42	-			137,026.20			79,344.58
08/20/42	739,000.00		2.88%	876,026.20			500,165.10
02/20/43	-			126,384.60			71,149.70
08/20/43	758,000.00		2.90%	884,384.60			490,910.93
02/20/44	-			115,393.60			63,157.64
08/20/44	778,000.00		2.92%	893,393.60			482,136.06
02/20/45	-			104,034.80			55,358.97
08/20/45	798,000.00		2.94%	902,034.80			473,276.90
02/20/46	-			92,304.20			47,752.50
08/20/46	819,000.00		2.95%	911,304.20			464,858.35
02/20/47	-			80,223.95			40,350.04
08/20/47	840,000.00		2.96%	920,223.95			456,368.89
02/20/48	-			67,791.95			33,149.98
08/20/48	862,000.00		2.97%	929,791.95			448,304.94
02/20/49	-			54,991.25			26,143.51
08/20/49	884,000.00		2.98%	938,991.25			440,164.01
02/20/50	-			41,819.65			19,329.29
08/20/50	907,000.00		2.99%	948,819.65			432,416.14
02/20/51	-			28,260.00			12,699.10
08/20/51	930,000.00		3.00%	958,260.00			424,587.14
02/20/52	-			14,310.00			6,251.81
08/20/52	954,000.00		3.00%	968,310.00			417,122.03
totals	-			9,979,322.15			-

* yields that equates PV of cash flows to \$-0-

2.837%

less discounts applied to the higher of the two yields:

base discount:

0.250%

MHI below average:

Avg residential cost:

resulting loan rate (min=1%):

2.587%

estimated savings: \$939,400**WAM:
17.7 years**

Minnesota Department Of Transportation

Report Printed Date: 7/27/2022

Contract: 220034

Prime Contractor: Michels Road & Stone, Inc., 0001094374

CO Type: COLevel2

State Proj. No.: 0504-20

Fed. Proj. No.: 0504-20 / HSIP-TA 0522(110)

District: 3 Baxter

Reason: 1905 Eliminate Work

Location: LOCATED ON T.H. 23 FROM BROADWAY AVE SOUTH TO RUM RIVER.

Description: Elimination of Work, City of Foley Utilities

Explanation:

Issue

The City of Foley has determined that due to higher than anticipated bid costs, some city utility work will need to be eliminated from the Contract due to being higher than what they had budgeted for.

Resolution

The Engineer, after consulting with the City of Foley, has determined that various work items related to the City of Foley's Utility work shall be eliminated from the Contract. This change will result in decreases and some increases to City contract items affected by this elimination. Revised plan sheets have been generated and are attached to this CO.

Entitlement

The Engineer has determined that the contract shall be revised in accordance with MnDOT specification 1402.6, Eliminated items.

Impact

There are no impacts to Contract time associated with this CO.

Cost

All costs have been approved by the Engineer and reviewed by CCU.

Payment

Payment will be made at contract unit prices and negotiated rate as shown in the estimate of cost.

Change Order No.: 0001

Net Change Order Amount: -\$603,094.01

Spec Book Year: 20

Funding Source: SLFO

Awarded Contract Amount: \$18,153,695.50

Resident Engineer: Jeffrey Eggert

Admin Office: 3B-St.Cloud

County: C005 BENTON

Route:

Minnesota Department Of Transportation

Report Printed Date: 7/27/2022

Increases/Decreases

Item Description	Item ID	Project Line	Contract Line	Project	Category	Item Source	Quantity Inc/Dec	Unit	Unit Price	Dollar Amount
PLUG FILL AND ABANDON PIPE SEWER	2503603/20270	3570	0705	131796	0005	Original	-1,090.000	L F	\$10.00	-\$10,900.00
REMOVE SEWER PIPE (SANITARY)	2104503/00290	3300	0195	131796	0005	Original	-33.000	L F	\$25.00	-\$825.00
REMOVE BITUMINOUS PAVEMENT	2104504/00120	3360	0255	131796	0005	Original	-88.000	S Y	\$3.22	-\$283.36
SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	2104503/00205	3270	0170	131796	0005	Original	-37.000	L F	\$2.38	-\$88.06
CONNECT TO EXISTING SANITARY SEWER	2503602/00300	3520	0680	131796	0005	Original	-2.000	EACH	\$6,000.00	-\$12,000.00
INSTALL CONCRETE SEWER	2503503/20020	3500	0670	131796	0005	Original	-32.000	L F	\$175.00	-\$5,600.00
AGGREGATE BASE (CV) CLASS 6	2211507/00210	3390	0310	131796	0005	Original	-33.000	C Y	\$21.00	-\$693.00
10" PVC PIPE SEWER	2503503/13100	3460	0610	131796	0005	Original	-276.000	L F	\$195.00	-\$53,820.00
DUCTILE IRON FITTINGS	2504608/00020	3820	0835	131796	0005	Original	-464.000	L B	\$25.00	-\$11,600.00
HYDRANT	2504602/00020	3650	0750	131796	0005	Original	-1.000	EACH	\$8,500.00	-\$8,500.00
REMOVE FORCE MAIN	2104503/00860	3330	0220	131796	0005	Original	-408.000	L F	\$20.00	-\$8,160.00
SALVAGE CONCRETE PIPE STORM SEWER	2104503/01450	3350	0235	131796	0005	Original	-32.000	L F	\$35.00	-\$1,120.00
REMOVE LIFT STATION	2104502/01880	3230	0115	131796	0005	Original	-1.000	EACH	\$30,000.00	-\$30,000.00
ADJUST VALVE BOX	2504602/00034	3670	0760	131796	0005	Original	2.000	EACH	\$500.00	\$1,000.00
TYPE SP 9.5 WEARING COURSE MIXTURE (4,C)	2360509/14300	3400	0355	131796	0005	Original	-11.000	TON	\$83.83	-\$922.13
TYPE SP 12.5 NON WEARING COURSE MIXTURE (3,B)	2360509/23205	3410	0370	131796	0005	Original	-11.000	TON	\$56.86	-\$625.46
CONSTRUCT DRAINAGE STRUCTURE DESIGN 4007	2506503/02007	3860	0875	131796	0005	Original	-110.250	L F	\$1,000.00	-\$110,250.00
CASTING ASSEMBLY	2506502/06000	3840	0845	131796	0005	Original	-6.000	EACH	\$800.00	-\$4,800.00
12" PVC PIPE SEWER	2503503/13120	3470	0615	131796	0005	Original	-1,209.000	L F	\$240.00	-\$290,160.00
20" STEEL CASING PIPE	2503603/31200	3610	0730	131796	0005	Original	-96.000	L F	\$500.00	-\$48,000.00
CLEAN AND VIDEO TAPE PIPE SEWER	2503603/20290	3580	0715	131796	0005	Original	-1,485.000	L F	\$3.00	-\$4,455.00
COARSE FILTER AGGREGATE (CV)	2451507/00190	3420	0405	131796	0005	Original	-473.000	C Y	\$60.00	-\$28,380.00
4" INSULATION	2503604/00004	3620	0735	131796	0005	Original	520.000	S Y	\$80.00	\$41,600.00
6" GATE VALVE AND BOX	2504602/00806	3700	0775	131796	0005	Original	-1.000	EACH	\$3,100.00	-\$3,100.00
10" WET TAP	2504602/90010	3730	0790	131796	0005	Original	-1.000	EACH	\$15,000.00	-\$15,000.00
6" WATERMAIN DUCTILE IRON CL 52	2504603/01062	3760	0805	131796	0005	Original	-35.000	L F	\$100.00	-\$3,500.00

Contract: 220034

Change Order No.: 0001

Page 2 of 4

Increases/Decreases

Item Description	Item ID	Project Line	Contract Line	Project	Category	Item Source	Quantity Inc/Dec	Unit	Unit Price	Dollar Amount
10" WATERMAIN DUCTILE IRON CL 50	2504603/01100	3780	0815	131796	0005	Original	-156.000	LF	\$125.00	-\$19,500.00
18" STEEL CASING PIPE	2504603/04180	3800	0825	131796	0005	Original	-77.000	LF	\$400.00	-\$30,800.00
4" INSULATION	2504604/00100	3810	0830	131796	0005	Original	60.000	SY	\$80.00	\$4,800.00
36" RC PIPE SEWER DESIGN 3006 CLASS III	2503503/19363	3490	0665	131796	0005	Original	-2.000	LF	\$176.00	-\$352.00
CONSTRUCT 8" OUTSIDE DROP	2506603/20080	3880	0910	131796	0005	Original	-0.200	LF	\$1,500.00	-\$300.00
Total:										-\$656,334.01

New Items

Item Description	Item ID	Item Reason	Project Line	Cont. Line	Project	Category	Funding	Quantity	Unit	Unit Price	Dollar Amount
CO#1-12" PVC Sanitary Sewer - 12" PVC PIPE SEWER	2503503/13120	Neg	4140	1470	131796	0005 - SP 0504-20 (E) 100% CITY OF FOLEY FUNDS SEE AGREEMENT #1047272.	0005 - SP 0504-20 (E)	484.000	LF	\$110.00	\$53,240.00
Total:										\$53,240.00	

Time Adjustments

Time ID	Time Description	Time Type	Original	Current	Adjustment	New
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Project/Category Summary

Project Description	Project	Category	Category Description	Dollar Amount
GRADING, BITUMINOUS MILLING & SURFACING, ROUNDABOUT, LIGHTING, ADA IMPROVEMENTS, AND BRIDGE #05X01 & #05X06. Payroll Project ID & Wage Decisions for all work performed Benton County.	131796	0005	SP 0504-20 (E) 100% CITY OF FOLEY FUNDS SEE AGREEMENT #1047272.	-\$603,094.01
Net Change Order Amount:				-\$603,094.01

	Signature & Date
Project Engineer/Project Supervisor	Robert Abfalter Digitally signed by Robert Abfalter Date: 2022.07.27 11:10:25 -05'00'
Contractor	
Commissioner of Transportation Pursuant to Delegation	
Commissioner of Administration Pursuant to Delegation	
Consultant Contract Administrator (recommendation for Approval only)	
Local Agency (if funded wholly or in part by Local Agency)	

ATTACHMENTS: By signing this agreement, the Contractor acknowledges receipt of the specified attachments (if applicable)

** Refund \$ 40.00*
Sara Brown

From: Jennifer Lezer <jlezer@co.benton.mn.us>
Sent: Wednesday, July 13, 2022 9:52 AM
To: Sara Brown
Subject: RE: Swimming Lessons

Not a problem at all! If its not too much to ask, I would prefer the refund check. It's fine if it takes a bit longer! My address is 9165 55th St NE Foley ☺ Thanks much!

From: Sara Brown <sjbrown@ci.foley.mn.us>
Sent: Wednesday, July 13, 2022 9:49 AM
To: Jennifer Lezer <jlezer@co.benton.mn.us>
Subject: RE: Swimming Lessons

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

Hi Jennifer!

Sorry I didn't get back to you sooner. Crazy afternoon!

We can definitely get you the refund. Since the check has long since been deposited, we can do one of two things:

1. **Adult Punch Pass** - I can offer you an adult punch pass (\$40 value). You get 10 swims for free and then when you have ten punches you turn in the card for an 11th free swim. The card never expires so if you couldn't use it all up this year you could use it next year too. I can mail you the punch card or you can stop by City Hall and pick it up any time.
2. **\$40 Refund Check** - I can request a \$40 check paid out to you. This option will take longer to get you the refund. It will need to go in front of the council during their regular council meeting as part of the bills list (August). We would then cut the check and send it back to you.

I'm happy to do either way. Just let me know which you prefer.

Thanks!
Sara

Sara Judson Brown
Administrative & Communications Assistant
sjbrown@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: Jennifer Lezer [<mailto:jlezer@co.benton.mn.us>]
Sent: Tuesday, July 12, 2022 3:04 PM
To: Sara Brown <sjbrown@ci.foley.mn.us>
Subject: RE: Swimming Lessons

Hi Sara! I did pay by check but actually paid on May 28th (so a couple weeks ago).
Thanks for helping with this!

From: Sara Brown <sjbrown@ci.foley.mn.us>
Sent: Tuesday, July 12, 2022 11:31 AM
To: Jennifer Lezer <jlezer@co.benton.mn.us>
Subject: FW: Swimming Lessons

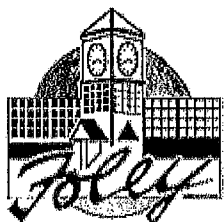
CAUTION: This email originated from outside of the Benton County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jenny –

Monica forwarded your email to me. I can help you with the refund. I still have the receipts for the pool from over the last week. What night did you pay and how did you pay? Cash or check?
If you paid by check, it should be as simple as swapping out your check.

Thanks!
Sara

Sara Judson Brown
Administrative & Communications Assistant
sjbrown@ci.foley.mn.us



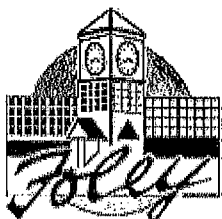
City of Foley
251 4th Avenue North
P.O. Box 709
Foley, MN 56329
www.ci.foley.mn.us
320-968-7260 Office
320-968-6325 Fax

From: Monica Shaw
Sent: Tuesday, July 12, 2022 10:41 AM
To: Sara Brown <sjbrown@ci.foley.mn.us>
Subject: FW: Swimming Lessons

Please see below

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: Jennifer Lezer <jlezer@co.benton.mn.us>
Sent: Tuesday, July 12, 2022 8:15 AM
To: Monica Shaw <mshaw@ci.foley.mn.us>
Subject: Swimming Lessons

Hi Monica!

I signed Lydia up for this session's swimming lessons at the foley pool and last night when we got there we realized they signed her up for big-kid level 2 rather than pre-k level 2—wasn't a big deal to switch her (just glad I caught her before they had her jump into the big pool on her own 🤦)...but I'm wondering if I could get reimbursed for the overpayment? I paid \$80 when it should have been \$40. Please feel free to forward it to the right person 🙏

Thank you!

Jenny Lezer
Community Health Specialist
Benton County Public Health
jlezer@co.benton.mn.us
320.968.5275

TO: FOLEY CITY COUNCIL
FROM: SARAH BRUNN, CITY ADMINISTRATOR
SUBJECT: 08-02-22 –COUNCIL MEETING
DATE: JULY 11, 2022

Consent Agenda

There is a request to again hold the car show on September 25th. Councilmember Swanson did indicate that they will also make the request with the county because it's a county state aid road.

Wastewater Regionalization Project – Pay Application & Financing

Pay application # 2 will be presented by Jared Voge in addition to an update on the project. The final loan agreements and resolution approving the financing are also in your packet. These have been approved by the state and our bond counsel. We were able to lock in interest prior to the last rate hike by the feds so no changes to what I emailed out to the council earlier. A copy of the amortization is also in your packet. With the loan closing we are now able to do a draw in August to reimburse ourselves from what we have already paid out. The paperwork is also being finalized to draw on the \$8 million in direct appropriation we received. We will draw on the direct appropriation first if possible but can't use those funds to pay the connection fee to St. Cloud.

Parking & Storage Ordinance

Chief McMillin has been emailing updates on the parking and storage ordinance enforcement. It is very difficult for staff to enforce the ordinance the council passed when individual members tell property owners they don't need to comply. If the council does not wish to enforce the ordinance they have passed, then the ordinance should be changed.

Edible Cannabinoid Products

Chief McMillin would like to bring this item to the attention of the council and discuss how the council may want to proceed. There are still a lot of items being worked through at the state level regarding the interpretation and what kind of authority local government will have. I'm also including a sample moratorium from the City of Sartell if that's of interest to the council to discuss.

MnDOT – Change Order #1

City Engineer Jarod Griffith will present the final change order that was approved by MnDOT.

2023 Budget

Staff anticipates having the draft budget to council by the second week of August.

45 Highway 23 West – Conditional Use Permit (CUP)

Please drive by this property prior to the meeting to make sure we address any additional concerns the council may have regarding compliance with the CUP.

Pool “No Refund” Policy

We have two requests for refunds that have been officially made. Regarding Ms. Mouzolf's request – I did speak to the pool manager who did offer them the option to reschedule with a private lesson in August but Ms. Mouzolf does not wish to do so. The council can decide how they wish to proceed

with this. Staff would recommend that we develop a written policy if there is desire to refund to be consistent and to consider all variables. A second refund request is also in your council packet.

Closed Session – Herbst Option Agreement

Staff will provide an update to the council on this item at the meeting.

Upcoming Reminders:

August 2-16, 2022 – Mayor/Councilmember Filings Open

August 2, 2022 – Council Meeting

August 9, 2022 – Primary Election

August 16, 2022 – Budget Workshop