

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 \$1,064,470.00. 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)