

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – August 2, 2022

The Foley City Council held their regular meeting on Aug. 2, 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 Musachio to approve the consent agenda, seconded by Gondeck, with correction to the July minutes of the dollar amount of Pay Application Request #1 on the wastewater regionalization project to \$1,064,470.00.

Motion carried, unanimous.

Consent Agenda:

- Approve minutes of July 12, 2022.
- Approve closure of 4th Avenue N (downtown) on Sept. 25 from 11am-2pm for car show.
- Adopt Resolution #2022-20 Accepting Donation
- Adopt Resolution #2022-21 Accepting Donation.
- Approve payment of bills.

Wastewater Regionalization Project

Jared Voge from Bolton & Menk gave an overview of the wastewater project status. He directed the council to the Pay Application Request #2 in their council packet. Everything continues to progress well. Estimating that 16% of the pipeline is complete. Lift stations are also progressing. Crews are working on access roads and there is activity in multiple places. Expected completion date is November 2023.

Motion by Gondeck, seconded by Swanson, to approve Pay Application #2 for \$2,531,470.99.

Motion carried, unanimous.

Sarah Brunn, City Administrator, addressed the council to review the PFA Loan Agreement and Closing documents with Resolution. Brunn gave an overview stating that the city locked in the interest rate at 2.5%. What the resolution does is authorize moving forward on the debt. Once the city authorizes the debt, the documents go back to the state commission to finalize the loan. The city still has \$8 million in direct appropriation that will run through the same authority. We don't draw on the loan until we have to. If the PSIG money comes through, we will use that when it becomes available. We hope to close in two weeks following this approval.

Motion by Swanson, seconded by Musachio to approve the resolution.

Motion carried, unanimous.

Mayor's Open Forum

Ken Anderson, 1128 Fouquette Street, addressed the council regarding a letter he received for being in violation of the Parking and Storage ordinance. Anderson stated he was unclear what he was in violation of since the dual-axel trailer mentioned in the letter is on the neighbor's property.

Debra Olson, 600 Dewey Street, addressed the council stating she's had people talk to her about the Parking and Storage ordinance and there is conflicting information. Olson also stated that the ordinance isn't clear on what size the parking pad needs to be.

Department Reports

Police Department

Chief Katie McMillin gave an overview of the July crime stat report. There were 530 calls in July. Even if you subtract 65 ordinance violations for the Parking and Storage letters and the 77 TZD traffic stops, there were 388 calls – the highest number of calls for the entire year. Calls included 86 traffic stops on Broadway in the detour area around Hwy 23. Speed enforcement is up. Domestic and assaults are up. Arrest warrants are up as Benton County is doing misdemeanors again. Agency assists are also up. McMillin also reminded the council that school starts on Sept. 6.

Swanson asked McMillin how many ordinance letters were sent out. McMillin replied that 65 letters total were sent out for all ordinance violations in July: 8 for tall grass, 57 for Parking and Storage as requested by the council.

McMillin also addressed Anderson's question regarding the trailer that was on the neighbor's property stating that officers do not know exactly where property lines are so it can sometimes be a guess as to whose trailer it is. A letter will be sent to the neighbor. She also explained the letter was for the dual-axel trailer.

Discussion and questions followed.

McMillin also addressed the council regarding the state of Minnesota recently passing a law that allows for the sale of edible THC products. She asked the council if they wanted to consider a moratorium to stop the sale of THC products in city limits that would allow the city to study the issue and possibly pass resolution/ordinance. If a moratorium is passed, the city would need to actively study the issue.

Brunn addressed the council stating that staff had been discussing the best course of action since the state hadn't offered any guidance. Staff thought it would be best to ask for council direction before continuing.

Discussion and questions followed.

Council expressed that they will wait and see how things progress before making any decisions. Brunn stated that staff is working with the city attorney and will come back to the council when they have more information from the state.

City Engineer

Jarod Griffith gave an overview on the Hwy 23 project. Last week, the contractor finished the sanitary sewer connection from 8th to 9th Avenue. The sub-contractor is now moving on to the trunk at the Hwy 23 storm sewer. On Aug. 15, crews will begin work on the sanitary water at the intersection at Broadway. The road will be completely closed and the detour will shift to 4th Avenue N and run south to connect to the current detour. He expected this change in the detour would last one week. Griffith also directed the council to their packets and the change order #1 that was agreed upon and approved by MN Dot. He reminded the council the change order has been discussed during the last few meetings.

Discussion and questions followed.

Public Works and Fire Department

Mark Pappenfus addressed the council stating that Public Works had been very busy. Nothing new to report.

Administrative

Sarah Brunn gave an overview of the liability coverage included in their packet. Staff will need the council to motion to not wave the statutory tort limits.

Motion by Gondeck, Swanson seconded, to approve the liability coverage and not wave the statutory tort limits.

Motion carried, unanimous.

Brunn gave an update for the CUP for the property at 45 Hwy 23 W stating that the property owner had made a lot of progress. There were only a few other things that needed attention including the hard surfacing to the shed. Dan Hanes, 45 Hwy 23 W, addressed the council and gave an overview of how things were progressing.

Discussion and questions followed.

Brunn also reminded the council of the Budget workshop meeting on Aug. 16. They will get more information prior to the meeting. Staff was still waiting on a few things. She also encouraged the council to follow what the state legislature was doing regarding discussions on levy limits as it could affect the city.

Old Business

Brunn gave the council an update regarding two requests for swimming lesson refunds. One was an overpayment because the parent had accidentally signed up for a Level class when she'd meant to sign her child up for a preschool class. The scheduling was resolved at the pool and the child was enrolled in the correct class. The refund would simply be the difference between the preschool and Level class.

The second refund was a follow up on the refund requested by Sarah Moulzolf. Brunn updated the council that she'd spoken to the pool manager. The pool manager offered to help reschedule the lesson to later in the season but Moulzolf said that rescheduling was not an option.

Discussion and questions followed.

Gondeck expressed a willingness to refund the money for both requests. Swanson agreed.

Musachio expressed concerns that the pool loses money every year and that cancellations and refunds could result in slots not being filled, while the city must still pay fees to the Red Cross and wages to the swimming instructors.

Brosh expressed interest in changing the no-refunds policy to allow for refunds up to seven days prior to the start of the lessons.

Motion by Gondeck, seconded by Swanson, to approve the refunds for both requests.

Mayor Bettendorf added the stipulation that the council review the no-refunds policy over the winter. Gondeck seconded.

Motion carried, unanimous.

Brunn stated the council could see more requests for pool refunds on the agenda as long as the no-refunds policy changes are not in place.

New Business

No new business.

Mayor Bettendorf closed the regular council meeting at 6:20 p.m. for a discussion on an option agreement price on PID 020049300 & PID 020050000.

Bettendorf reopened the regular council meeting at 6:36 p.m.

Gondeck addressed the council stating he would like to bring the Parking and Storage ordinance back to discuss removing all the recent changes and give it back to the people. Discussion and questions followed.

Motion by Gondeck, seconded by Brosh, to review the Parking and Storage ordinance changes again.

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

Motion by Gondeck, seconded by Musachio, to adjourn.

Motion carried, unanimous.

Meeting adjourned at 6:57 p.m.



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