



**City Council – Meeting Agenda
October 4, 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 September 6, 2022.
 - Accept resignation of firefighter Dakota McIver.
 - Adopt Resolution #2022-24 Urging MN Special Session to Pass a Bonding Bill.
 - Adopt Resolution #2022-25 Accepting Donation.
 - Approve updated Industrial Park land purchase agreements.
 - First Amendment to Contract for Deed. (In-progress - tentative)
 - Memorandum of Agreements. (In-progress - tentative)
 - First Amendment to Option Agreement. (In-progress - tentative)
 - Approve Updated Police Policy – Allegations to Misconduct Model Policy and Professional Conduct of Reace Officers Model Policy
 - Approve payment of bills.
5. Wastewater Regionalization Project
 - Update on project & Pay Application Request #4 – Bolton & Menk – Jared Voge
6. 2022 State Senate and Representative Candidates
 - Suzanne Cekalla – State Senate District 10 Candidate
7. Parking & Storage Ordinance
 - Discuss and review revisions to Section 1030.
 - Draft ordinance was posted online and can be adopted.
8. Mayor's Comments & Open Forum
9. Department Reports:
 - Police Department –Katie McMillin
 - City Attorney – Adam Ripple/Ashley Bukowski
 - City Engineer – Jarod Griffith
 - Update on Highway 23 Project
 - Update on industrial park wetlands.
 - Public Works/Fire – Mark Pappenfus
 - Administration – Sarah Brunn
 - 2023 Budget Update – If any?
 - Update on water/sewer unit minimum billings.
10. Old Business
11. New Business
12. Adjourn

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – September 6, 2022

The Foley City Council held their regular meeting on Sept. 6, 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.

The mayor addressed the audience and directed people who wished to speak during the Mayor's Open Forum to please use the sign-up sheet in the back with their name and address. He also reminded the audience that the meeting is conducted using Robert's Rules of Order, meaning that no one in attendance is allowed to speak unless acknowledged by the mayor.

Motion by Swanson, seconded by Gondeck, to approve the agenda.

Motion carried, unanimous.

Motion by Gondeck, seconded by Musachio, to approve the consent agenda.

Motion carried, unanimous.

Public Hearing – Temp Liquor License – Pantown at Grand Champion Meats on Sept. 22, 2022

Mayor Bettendorf recessed the regular council meeting at 5:32 p.m. for a public hearing on the temp liquor license for Pantown Brewing Company. No one present spoke for or against the matter.

At 5:33 p.m. Bettendorf reconvened the regular city council meeting.

Motion by Swanson, seconded by Gondeck, to approve the temporary liquor license for Pantown Brewing.

Motion carried, unanimous.

Wastewater Regionalization Project Update

Jacob Humburg from Bolton & Menk gave an overview to the council on the status of the wastewater project. The total project completion is at 28%. More than a mile of pipe has been installed since the last council meeting. Lift station work continues. Pay Application Request #3 is for \$978,813.55. Questions and discussion followed. Humburg said the project is still on track for completion in November 2023. There have been some issues with getting materials, but they have all been dealt with and have not held the work back.

Motion by Gondeck, seconded by Swanson, to approve Pay Application Request #3 for \$978,813.55.

Motion carried, unanimous.

Foley Fire Relief Annual Update – Bryan Moshier

Bryan Moshier gave an overview to the council for the Fire Relief Fund. He directed the council to the report in their packet. The number at the bottom shows the fund is still in good shape. The fund still has a surplus. As of the June report, we are projecting \$150,000 to come in. Unless something drastically changes at this point I would guess this will be our number at the end of the year so we'll have that much as a buffer. Questions and discussion followed.

Debra Olson

Debra Olson of 600 Dewey Street addressed the council. She asked if the parking ordinance was reopened for discussion. What was the consensus after the August meeting? She stated that residents are very unhappy and angry. There have been reports of council members photographing potential violators. Olson stated she was glad that the proposed façade program had been tabled. She said that the comparison study was inaccurate. She asked what the Thriving Communities Task Force was and what they are working on. Olson also stated that she felt the police department needed more officers and that she'd heard rumors the department was going to be disbanded. She recommended the police department hire a community service person or another officer to help follow up with ordinance violations.

Mayor's Open Forum

No one spoke.

Department Reports

Police Department

Chief Katie McMillin gave an overview to the council for the August crime stat report. The department responded to 376 calls compared to last year's 265 calls for the month of August. Suspicious activity was up 10 calls from the previous month; 23 stop sign violations; and 52 speeding violations on Broadway Avenue. The first day of school was a little hectic with directing traffic. Questions and discussion followed. McMillin shared that there were a total of 43 calls of suspicious activity for the entire month. The calls are coming in from residents and from officers being proactive.

City Engineer

Jarod Griffith gave an overview to the council on the Hwy 23 MNDot project. The intersection at Broadway and Hwy 23 is still closed, but will hopefully be opening soon. The project is expected to wrap on schedule.

Public Works and Fire Department

Mark Pappenfus gave an overview of current projects. Public Works is focusing on wrapping up summer items. The pool is closed. Some dead trees in the parks were taken down. Public Works will begin jetting and flushing mains and hydrants this month. There are still plans for doing the trail overlay this year south of Foley Square.

The Fire Department will be installing free smoke alarms on Sept. 17. The fire hall open house is scheduled for Oct. 8. The fire department also received a \$5,000 matching grant from the Department of Natural Resources (DNR) for wild land gear. The department also received a FEMA grant assistance of \$45,142.00 for SCVA compressor fill station and storage bottles.

Administrative

City Administrator Sarah Brunn addressed the council. Staff is currently working on two applications

for Joint Planning and one at the local level for building in town. We will see items for the Planning Commission in the next month or so. Brunn directed the council to the preliminary levy Resolution #2022-23 in their packet. The preliminary levy is what will be sent out to the business owners and residents in their estimated property taxes. The final amount will be approved at the hearing in December. We can't increase the levy at that time but it can be lowered. If there is any uncertainty, it is best to estimate higher and then bring it back down in the final approval. The preliminary levy is currently at 14%. The siren and façade program were cut. We can discuss more if you want. She also reminded the council of the levy limit discussions at the state legislature. If we set the levy too low this year, the state could control future increases. Discussion and questions followed.

Bettendorf expressed that he supported leaving off the siren and the façade program. He also expressed support for the city hall office remodel.

Brunn explained another option would be to levy a portion of the remodel and put it in capital funds. It would reduce the levy to 9.42%. Discussion and more questions followed.

Musachio expressed support for allowing staff more ability to work from home to help with overcrowding in the office. Brunn stated that staff working hybrid from home on a weekly basis would require some more technical upgrades. She also reminded the council that historically city hall has been a very customer facing entity. People like to come in and do business with city hall in person. Musachio expressed support for allocating money to the general fund but not committing to the remodel yet. Discussion and questions followed. Brunn explained that levying for the full amount for the remodel would mean the renovation would take place in 2023. If only half is levied, then the project would take place in 2024.

Gondeck expressed concerns over space needed for the police department and looking at a bigger picture to include all of the city's facility needs. Brunn said that a facilities plan could help bring those needs into focus, but would cost money to develop the plan and it wouldn't be helpful if the council then decided not to act on the plan once it was completed. Discussion and questions followed.

McMillin added that as the city grows the police department will need to grow with it. If another full-time officer is added, then we will need another squad car as well as a place to put it. Brunn said the cost to create a facilities plan could be as much as \$10,000 - \$20,000.

Motion by Brosh, seconded by Gondeck, to approve Resolution 2022-23 Adopting Preliminary Levy without any additional changes.

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

Brunn stated again that this preliminary levy is not final and the council can continue discussions prior to the final approval at the December meeting.

Old Business

No old business.

New Business

No new business.

At 6:25 p.m. Mayor Bettendorf closed the meeting for discussion on an option agreement price for PID 020049300 and PID 020050000.

At 6:31 p.m. Bettendorf reconvened the regular meeting and asked for a motion to adjourn.

Motion by Swanson, seconded by Gondeck, to adjourn.

Motion carried, unanimous.

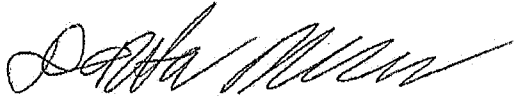
Meeting adjourned at 6:31 p.m.

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

FOLEY FIRE DEPARTMENT

I regret to inform you that I am resigning my duties as a firefighter at the **FOELY FIRE DEPARTMENT** due to having to move out of town. My last day will be Sep 7/2022.

Dakota McIver

 9-7-2022

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2022-24

A RESOLUTION URGING GOVERNOR WALZ TO DECLARE A SPECIAL SESSION
TO PASS A BONDING BILL INCLUDING THE LGA INCREASE

WHEREAS, the people of Minnesota have critical infrastructure needs, including the replacement and upgrade of aging drinking water systems, sewage treatment, roads, and bridges that cannot be delayed, and

WHEREAS, without additional funding through a bonding bill, cities will have to drastically raise water rates or taxes on residents and business to pay for necessary infrastructure projects made even more expensive due to inflation, and

WHEREAS, the Minnesota Legislature failed to pass a bonding bill in the 2022 legislative session, and

WHEREAS, the City of Foley needs approval of point source implementation grant funds to help pay for construction on their \$24 million dollar wastewater project, and

WHEREAS, Local Government Aid (LGA) is an essential aid program to Minnesota cities, helping to restrain local property taxes, and

WHEREAS, the LGA appropriation has not kept up with city needs and inflation, making it more difficult for cities to provide the public safety, core infrastructure, libraries, and other services without imposing significant property tax increases or service cuts, and

WHEREAS, the Legislature failed to pass a tax bill in the 2022 legislative session that would have increased the LGA appropriation, and

WHEREAS, the state of Minnesota has a multi-billion-dollar budget surplus, and

WHEREAS, additional funds are required to match millions of dollars in available federal funds;

BE IT RESOLVED that the City Council of Foley, Minnesota urges through this Resolution to Governor Walz to declare a special session and to its lawmakers to work in a bipartisan way to pass a bonding bill and a tax bill that includes an LGA increase; and

BE IT FURTHER RESOLVED that this resolution be transmitted to State Representative Shane Mekeland and State Senator Andrew Matthews, Speaker of the House Melissa

Hortman, Senate Majority Leader Jeremy Miller, House Minority Leader Kurt Daudt, Senate Minority Leader Melissa López Franzen, and Governor Tim Walz.

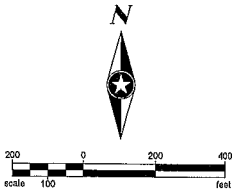
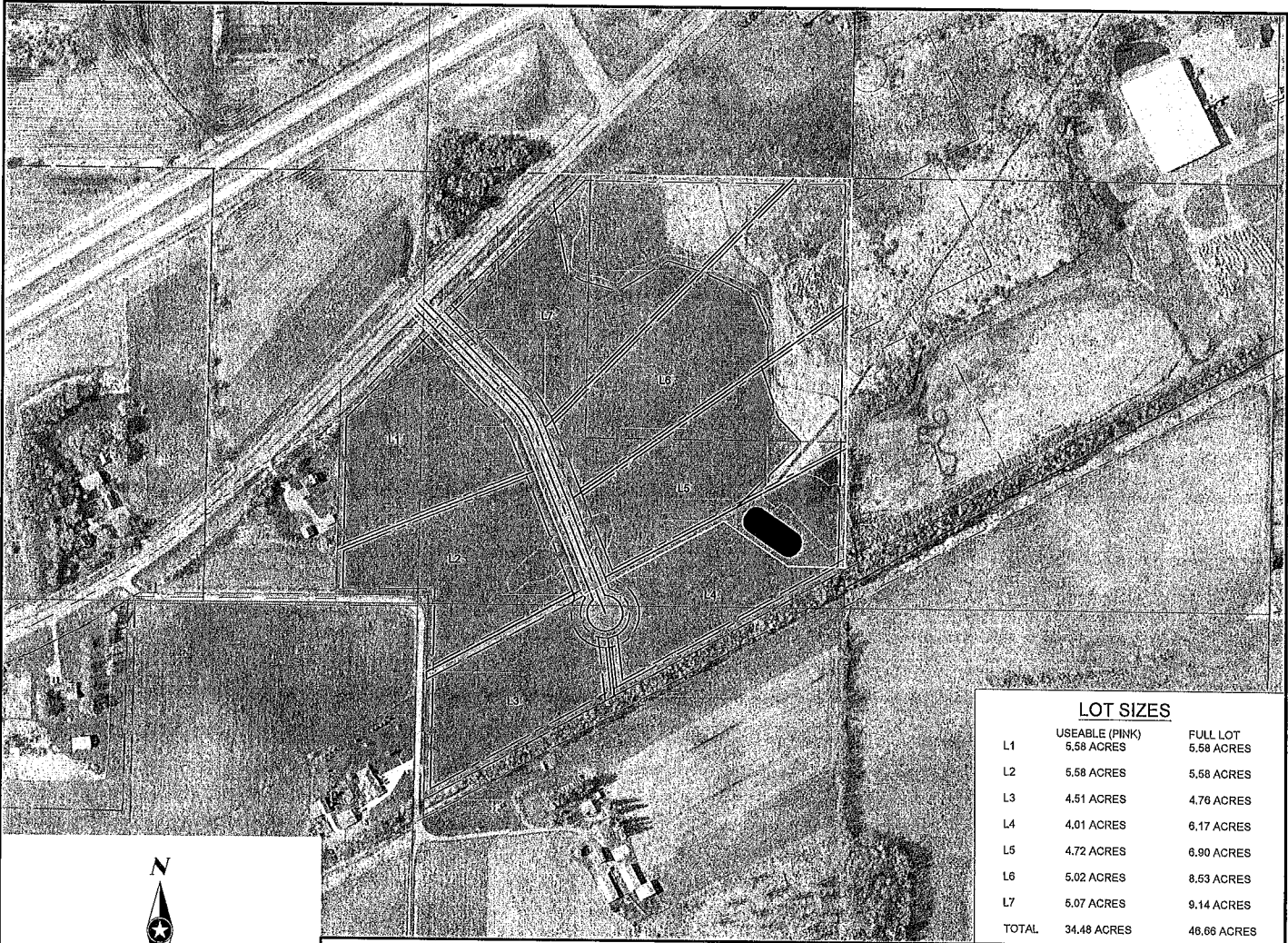
PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota, this 4th day of October 2022.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, Administrator

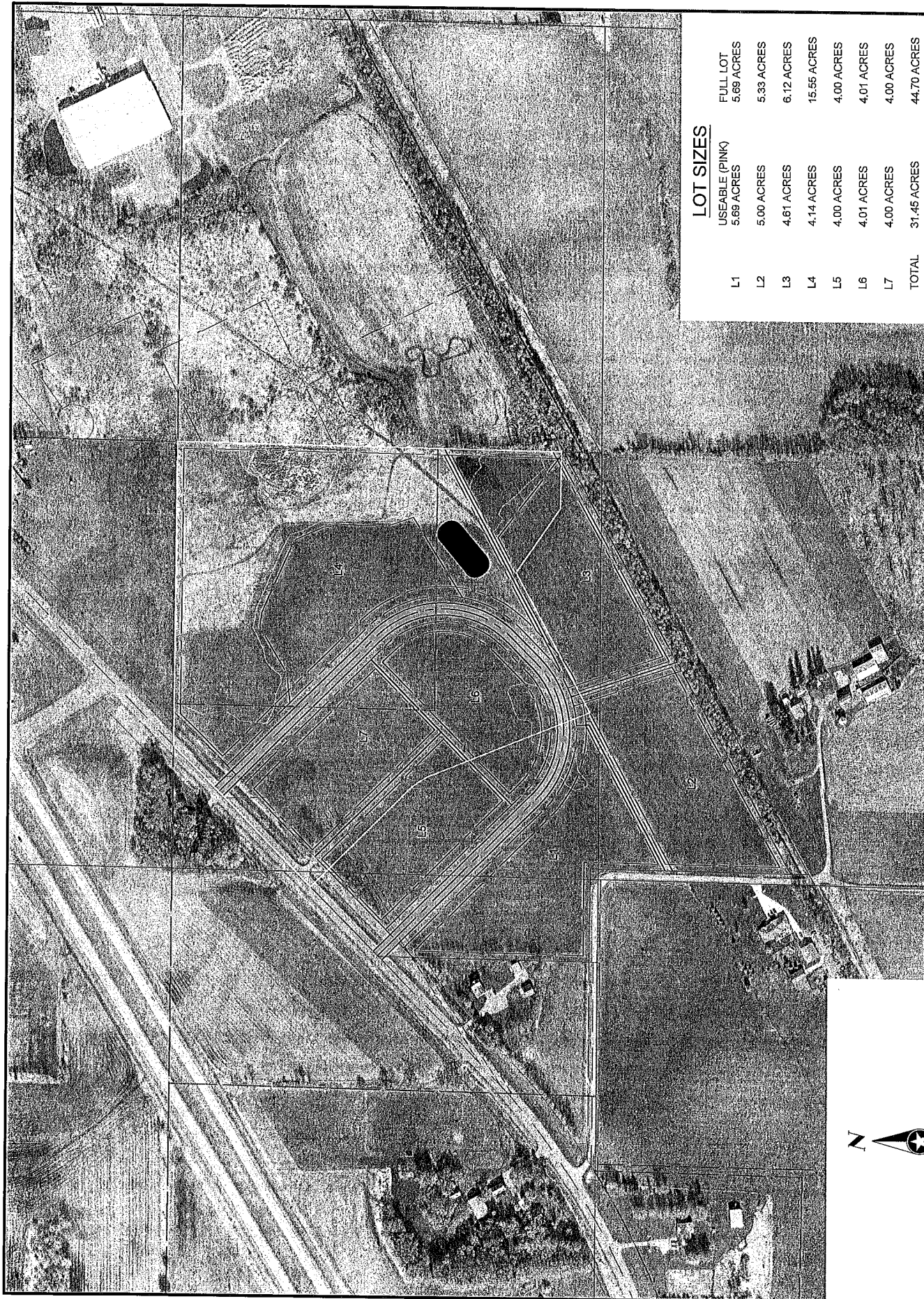
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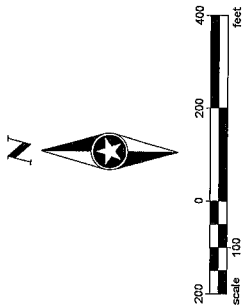
FILE NO.
FOLEY 161854
DATE:
9/23/2022

SITE CONCEPT 2
FOLEY INDUSTRIAL PARK
FOLEY, MINNESOTA

EXHIBIT
NO. 3



LOT SIZES		
	USEABLE (PINK) ACRES	FULL LOT ACRES
L1	5.69	5.69
L2	5.00	5.33
L3	4.61	6.12
L4	4.14	15.55
L5	4.00	4.00
L6	4.01	4.01
L7	4.00	4.00
TOTAL	31.45	44.70



SEH

FILE NO.
FOLEY 161854

DATE:
9/23/2022

SITE CONCEPT 1
FOLEY INDUSTRIAL PARK
FOLEY, MINNESOTA

EXHIBIT
NO. 2

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2022-25

A RESOLUTION ACCEPTING DONATIONS FOR THE FIRE DEPARTMENT

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, Grand Champion Meats, Harren Homes, SAL American Legion Unit #298, Midstate Auto Sales and Service, Murphy Chevrolet, Frandsen Bank, and Svihel Vegetable Farm have offered to donate funds for the Fire Department open house, 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 extends its sincere appreciation to Grand Champion Meats, Harren Homes, SAL American Legion Unit #298, Midstate Auto Sales and Service, Murphy Chevrolet, Frandsen Bank, and Svihel Vegetable Farm for their generous donations.

PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota, this 4th day of October 2022.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

ALLEGATIONS OF MISCONDUCT MODEL POLICY
MN RULES 6700.2200 through 6700.2600

I. PURPOSE

The purpose of this policy is to inform all employees and the public of procedures for reporting, receiving, investigating and disposition of complaints regarding the conduct of licensed peace officers of the Foley Police Department. The provisions of this policy are applicable only to the investigation and the disposition of allegations of administrative misconduct. This policy does not apply to a criminal investigation.

II. POLICY

It is the policy of the Foley Police Department to accept and to fairly and impartially investigate all complaints of misconduct to determine the validity of allegations; and to impose any corrective actions that may be justified in a timely and consistent manner.

III. DEFINITIONS

For the purpose of this policy, the terms set forth below are defined as follows:

- A. **Administrative Investigation:** An internal investigation conducted in response to a complaint with the goal of determining whether an employee engaged in misconduct.
- B. **Chief Law Enforcement Officer** means the chief of police, sheriff, state law enforcement director or designee. Within this model policy, the chief law enforcement officer will be referred to as CLEO.
- C. **Law Enforcement Officer** means an individual who holds a peace officer license in the State of Minnesota. Within this model policy, a law enforcement officer will be referred to as LEO.
- D. **Complainant** means a person who submits a complaint to the Agency or CLEO alleging misconduct by an agency member.
- E. **Complaint** means a statement alleging behavior that constitutes misconduct.
- F. **Member** means all voluntary and compensated personnel of the agency.
- G. **Discipline** means any of the following or combination thereof:
 - Oral Reprimand
 - Written Reprimand
 - Suspension
 - Demotion
 - Discharge
- H. **Unfounded** means there is no factual basis for the allegation. The act or acts alleged did not occur.

- I. **Exonerated** means a fair preponderance of the evidence established that either:
1. the agency member named in the complaint was not involved in the alleged misconduct; or
 2. the act(s) that provided the basis for the complaint occurred; however, the investigation revealed that such act(s) were justified, lawful or proper.
- J. **Not Sustained** means the investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint.
- K. **Sustained** means a fair preponderance of the evidence obtained in the investigation established that the LEO's actions constituted misconduct.
- L. **Policy Failure** means that the complaint revealed a policy failure. The allegation is factual and the LEO(s) followed proper agency procedure, however, that procedure has proven to be deficient.
- M. **Respondent** means an individual who is the subject of a complaint investigation.
- N. **Misconduct** means:
1. a violation of an agency policy or procedure governing conduct of agency members;
 2. conduct by a peace officer that would be a violation of POST Standards of Conduct per Minn. Rules 6700.1600
- O. **Policies and Procedures** mean the administrative rules adopted by the agency regulating the conduct of agency members.
- P. **Receiving Authority** means the entity who receives and is required to investigate the complaint when the subject of the complaint is a CLEO.

IV. PROCEDURE

A. ACCEPTANCE AND FILING OF COMPLAINTS

1. Complaint forms must be made available through agency personnel, at designated public facilities, and online.
2. Complaints may be received either in person, over the telephone, in writing, or via the internet. A complainant may remain anonymous. The complainant should be advised that remaining anonymous may affect the investigation of the complaint.
3. A complainant may be accompanied by an attorney or other representative at the time a complaint is filed or at any other stage of the process.
4. Employees must provide assistance to individuals who express the desire to lodge complaints against any employee of this agency.
5. The complainant must be advised of the procedures for submitting the complaint and provided with a copy of their submitted complaint.

6. The complainant should be asked to verify by signature if the complaint is a complete and accurate account. If the complainant elects not to sign, this fact must be documented and the complaint processed according to procedure.
7. The CLEO will forward a copy of the written complaint to the respondent only after it is determined that the complaint does not allege a criminal violation and the notification will not impede a criminal investigation.
8. A CLEO or Receiving Authority may delegate the duties and responsibilities required of a CLEO by this policy to an appropriate designee(s).
9. Any complaint made against a chief of police must initially be made to the city administrator, manager or mayor. Any complaint made against a sheriff must initially be made to the county attorney, the county administrator or the board of county commissioners.
10. The city administrator, manager, mayor, county attorney, county administrator or board of county commissioners must refer investigations of alleged misconduct against a CLEO to an outside law enforcement agency or criminal justice agency that has no discernible conflict of interest.

B. INVESTIGATION OF A COMPLAINT

1. Upon receipt of the complaint, the CLEO must make an initial determination as to whether or not the facts alleged require an administrative investigation. If the CLEO decides that an investigation is not required, the disposition of the complaint must be cleared as "unfounded", "not sustained", or "exonerated." The complainant and the respondent will be notified of this decision and the basis for determination. If the complainant supplies additional information within thirty (30) days of that initial determination, the CLEO may reverse this decision and order an administrative investigation.
2. If the CLEO determines an administrative investigation is required, an appropriate designee will be assigned to investigate the complaint. When the CLEO believes an external investigation is appropriate or when the CLEO is the subject of the complaint, the investigation will be assigned to an external agency that has no discernible conflict of interest.
3. The investigator must inform the complainant of his or her name, business phone number and the status of the complaint as soon as possible after being assigned the investigation.
4. The investigator must thoroughly investigate all allegations contained in the complaint and any other potential misconduct discovered in the course of the investigation. If the investigation reveals potential misconduct by another agency member, the investigator must report that fact to the CLEO or, in the case of a complaint against a CLEO, the appropriate city administrator, manager, mayor, county attorney, county administrator or board of county commissioners.
5. All agency members must cooperate with the investigation. When the respondent is

a licensed peace officer, the investigation must comply with the requirements of MN STAT 626.89 and acts amendatory thereto.

6. The investigator must prepare a report that contains all relevant information organized into the following three (3) sections:
 - *Allegations:* An itemized summary of the acts of misconduct alleged in the complaint. Reference must be made to those rules, procedures, orders, statutes, or constitutional provisions that would be violated if the allegations are taken as true.
 - *Investigation:* A chronological summary of the investigation including all pertinent facts obtained through interviews with the complainant, accused agency member(s), and all available witnesses. Written statements, descriptions and analysis of any physical evidence, and all other relevant information must be included.
 - *Conclusions:* The investigator's findings and conclusions as to whether any misconduct occurred and the underlying reasons for the findings and conclusions.
7. The investigation must be completed within thirty (30) days of the filing of the complaint unless the CLEO or Receiving Authority determines there is good cause to grant an extension. The complainant and respondent must be informed of any extension.

C. ADDITIONAL INVESTIGATION, REVIEW AND DISPOSITION

1. Upon completion of the investigation, the investigator must submit the report, case file and all investigative notes to the CLEO or Receiving Authority. The CLEO or Receiving Authority may require additional investigation or make one of the following decisions:
 - Unfounded
 - Exonerated
 - Not Sustained
 - Sustained
 - Policy Failure
2. The CLEO or Receiving Authority may postpone making a decision until any related criminal charges are resolved. The complainant and respondent must be informed of this decision.
3. If the decision is "unfounded," "exonerated," "not sustained" or "policy failure" the CLEO or Receiving Authority must immediately notify the complainant and the respondent of the decision.
4. If the complaint is "sustained" the CLEO or Receiving Authority will:
 - Issue findings of fact including a summary of the acts constituting misconduct and the specific statutes, policies, regulations and procedures violated; and
 - Take appropriate remedial and/or disciplinary action.
 - Advise the complainant of any public information regarding the disposition
5. Prior to the implementation of remedial and/or disciplinary action the respondent will be provided with a copy of the findings of fact. The CLEO, Receiving Authority and/or designee must review the findings of fact with the respondent and explain the reasons

for the remedial and/or disciplinary action.

6. The investigation may be re-opened by the CLEO or Receiving Authority at any time if substantial new evidence is discovered concerning the complaint.
7. When a "sustained" disposition is final the respondent may appeal the disposition pursuant to the rules and law governing the accused member's employment.

D. MAINTENANCE AND DISCLOSURE OF DATA

1. Disclosure to the public, complainant and respondent of data collected, created or received by the agency in connection with this policy and procedure must be governed by the provisions of the MN Government Data Practices Act. Retention of data collected or maintained in connection with this policy must be retained in accordance with the agency's "Record Retention Schedule."
2. All data collected, created or received by the agency in connection with this policy and procedure must be maintained in accordance with the agency's "Record Retention Schedule."
3. The placement of the disposition report or other data in an employee's personnel file must be governed by the agency's personnel policy.
4. Access to data collected, created, or received in connection with this policy and procedure may only be authorized by the CLEO or the agency's Data Practices "Responsible Authority," and as provided by Chapter 13, the "Minnesota Government Data Practices Act," or valid court order.

E. POST BOARD REPORTING REQUIREMENTS

1. Under Minn. Rule 6700.1610, a licensed peace officer must self-report to the POST Board any violations of the Standards of Conduct for peace officers listed in Minn. Rule 6700.1600.
2. Any person with knowledge of peace officer misconduct constituting grounds for action under Minn. Stat. chapter 214, or Minn. Rules 6700.1600, may report the violation to the Board.
3. Minnesota Stat. 626.8457 Subd. 3 requires CLEOs to submit individual peace officer public and private data related to allegations of misconduct to the POST Board in "real time" via the POST Board Misconduct Reporting System.
4. A chief law enforcement officer must update data within 30 days of final disposition of a complaint or investigation.
5. Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified in Minn. Stat. 626.8457 Subd. 3 paragraph (b) to the Board. Any such confidentiality agreement is void as to the requirements of this section.

PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY
MN STAT 626.8457

I. POLICY

It is the policy of the Foley Police Department to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

II. PROCEDURE

This policy applies to all officers of this agency engaged in official duties whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted this policy also applies to off duty conduct. Conduct not mentioned under a specific rule but that violates a general principle is prohibited.

A. PRINCIPLE ONE

Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

1. Rationale: Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. Rules

- a) Peace officers shall not knowingly exceed their authority in the enforcement of the law.
- b) Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.
- c) Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.
- d) Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction.
- e) Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

B. PRINCIPLE TWO

Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

1. Rationale: Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

2. Rules

- a) Peace officers shall carry out their duties with integrity, fairness and impartiality.

- b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
- c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
- d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.
- e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.
- f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

C. PRINCIPLE THREE

Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

1. **Rationale:** Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.
2. **Rules**
 - a) Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.
 - b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

D. PRINCIPLE FOUR

Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their agency or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community.

1. **Rationale:** A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.
2. **Rules**

- a) Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in c).
- b) Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.
- c) Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.
- d) Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
- e) Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.
- f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.
- g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.
- h) Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

E. PRINCIPLE FIVE

Peace officers shall treat all members of the public courteously and with respect.

- 1. **Rationale:** Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.
- 2. **Rules**
 - a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.

- b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
- c) Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

F. PRINCIPLE SIX

Peace officers shall not compromise their integrity nor that of their agency or profession by accepting, giving or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments or by using their status as a peace officer for personal, commercial or political gain.

1. **Rationale:** For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

2. Rules

- a) Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.
- b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.
- c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.
- d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.
- e) Peace officers shall:
 - not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;
 - maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
 - not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.

G. PRINCIPLE SEVEN

Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

1. **Rationale:** For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions

where those actions would or could conflict with the officer's appropriate responsibilities.

2. Rules

- a) Unless required by law or policy a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.
- b) Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
- c) A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.
- d) A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

H. PRINCIPLE EIGHT

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

- 1. **Rationale:** Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's and agency's commitment to preserving such confidences.

2. Rules

- a) Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
- b) Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
- c) Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

I. APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN STAT 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy on Allegations of Misconduct as required by *MN RULES* 6700.2000 to 6700.2600.

TO: FOLEY CITY COUNCIL
FROM: SARAH BRUNN, CITY ADMINISTRATOR
SUBJECT: 10-4-2022 -COUNCIL MEETING
DATE: OCTOBER 4, 2022

Consent Agenda

There is one resolution which supports a special session for a bonding bill and also another accepting donations in your packet.

Wastewater Regionalization Project – Pay Application

Pay application # 4 will be presented for approval by Jacob Humburg of Bolton & Menk. There will also be a project update at the meeting as well.

2022 State Candidates

I have reached out a couple times to our state candidates requesting they stop in at a meeting to meet the council. I have heard back from all except one of our state senate candidates. We will have them attend this meeting and also the November 1st meeting. This is a great opportunity for the council to ask them what they plan on doing to help us address our \$7 million dollar PSIG funding issue.

Parking & Storage Ordinance

An updated ordinance is included in your packet. Please read through this carefully and let me know if you have any questions or concerns. We have made so many amendments to this ordinance and I want to make sure we get it exactly how the council wants. I did post it on the website so it can be passed if the council chooses.

2023 Budget

I'm anticipating health insurance numbers any day now and will update the council if I get before the meeting. I also will be bringing the fee schedule updates in either November or December.

Water/Sewer Minimum Billings

I have enclosed a spreadsheet that staff has prepared showing you the potential impact of adding minimum charges based on units – not buildings. I can review this further at the council meeting.

Upcoming Reminders:

October 8, 2022 – Fire Department Open House @ 11am

Bills List - October 4th, 2022		
Gross Salaries	Payroll - 9/9/22	\$ 36,265.92
EFTPS	Federal Withholding	\$ 6,277.52
MN Dept of Revenue	State Withholding	\$ 1,218.24
State Treas. PERA	PERA	\$ 6,596.29
Nationwide	Deferred Comp	\$ 1,007.59
Pacific Life Ins	Deferred Comp/Roth IRA	\$ 70.00
Further	HSA Contribution	\$ 1,059.79
Gross Salaries	Payroll - 9/23/22	\$ 33,967.19
EFTPS	Federal Withholding	\$ 5,872.59
MN Dept of Revenue	State Withholding	\$ 1,166.06
State Treas. PERA	PERA	\$ 6,591.08
Nationwide	Deferred Comp	\$ 1,057.59
Pacific Life Ins	Deferred Comp/Roth IRA	\$ 70.00
Further	HSA Contribution	\$ 1,059.79
Law Enforcement Labor Services	Union Dues	\$ 195.00

Already Paid 10/4/2022

First National Bank Omaha	September Credit Card Payments	\$ 1,656.94
Further	9/22 Employer HSA Contribution and Admin Fee	\$ 380.35
HealthPartners	Insurance premium September	\$ 13,690.04
Herbst Revocable Trust	Contract for Deed	\$ 116,087.29
Midco	Phone & Internet Services	\$ 828.54
MN Department of Labor	2022 QTR 3 Permits	\$ 652.80
MN Department of Revenue	Sales and Use Tax	\$ 812.00
Sun Life Assurance	Employee LTD	\$ 266.47
USAAble Life	09/22 Life Insurance	\$ 260.50
Verizon	PW, PD, FD Cell Phone	\$ 372.15

\$ 237,481.73

To Be Paid - 10/4/2022

Adam Foss	PW Lawn mowing 9-6-22	\$ 55.00
Alert-All Corp	FD Supplies	\$ 906.00
Auto Value	PW & FD Vehicle Maintense	\$ 480.30
Benton County Attorney	Legal Fee's August	\$ 187.00
Benton County Highway Department	PD Fuel August	\$ 1,585.73
Benton County Recorder	Recording Fee's	\$ 46.00
Bolton & Menk	WW Expansion - Engineering	\$ 158,024.96
Central McGowan	PD Supplies	\$ 119.07
Cintas	Uniforms	\$ 251.73
City of Waite Park	PD Supplies	\$ 29.94
Coborn	PW and Office Supplies	\$ 89.15
Core & Main	PW Supplies	\$ 159.92
Delta Dental	10/22 Employee Dental Insurance	\$ 1,116.10
Diamond Vogel	PW Street supplies	\$ 42.42
Emergency Services Marketing Corp	FD Subscription	\$ 735.00
Environmental Laboratories	Water and Pond testing	\$ 339.77
Erickson, Jay & Hillary	Payment Overage 09/22	\$ 66.22
Eas Brothers and Sons	Sewer Supplies	\$ 466.40
Ferguson Waterworks	PW Water Supplies	\$ 1,259.19
Foley Fire Relief	2022 Annual Contribution and State Aid	\$ 72,080.11
Galls	PD Uniform - E. Vickstrom	\$ 78.48
Geislinger and Sons, Inc	Pay App # 4 WW Exp Project	\$ 970,955.10
Gopher State One Calls	08/22 Email tickets	\$ 63.45
Hawkins	Water Supplies	\$ 1,661.21
Hegman, Sarah	Payment Overage 09/22	\$ 113.45
Helmin Construction Inc	Street Class 5	\$ 261.50
Independent Testing Technologies	HWY 23 testing	\$ 940.00
K M Fire Pump Specialists	FD Vehicle Maintense Engine # 5, Pump testing	\$ 2,780.80
Knife River	PW recycling	\$ 315.00
Lawson Products	Street Supplies	\$ 846.91
League of Minnesota Cities	PD training and 2022 Fall Forums-Sarah	\$ 80.00
Locators and Supplies, Inc	Street Supplies, FD Supplies,	\$ 1,077.51
Macqueen Equipment	Purchase Used 2012 Pelican NP	\$ 125,000.00
Marco	copier lease	\$ 364.03
Municipal Emergency Services	FD Supplies	\$ 56.00
Murphy Chev	2019 and 2021 Chev maintense	\$ 385.77
Neubauer, Paul	Payment Overage 09/22	\$ 55.55
OPG-3, Inc	2022 LaserFiche Subscription	\$ 8,862.00
Rinke Noonan	General Legal, WW Expansion	\$ 2,590.00
Riteway Business Forms	Utility billing forms	\$ 519.56
Schoenberg, Jill	Payment Overage 09/22	\$ 49.06
Shift Technologies	IT Services, Reflexion	\$ 61.95
Short Elliott Hendrickson, Inc	HWY 23 Utilities	\$ 14,847.30
Staples	FD supplies	\$ 59.37
Streicher's	PD Uniform J Norton	\$ 354.00
Taft Stettinius & Hollister LLP	WW Expansion PFA Loan Bond Counsel Opinion	\$ 20,000.00
Thomas Tool and Supply	PW Street Maintense	\$ 55.42
Xcel Energy	Utilities	\$ 6,817.04
Roto Rooter	Sewer Diagnoses	\$ 2,475.00
		\$ 1,637,247.20

Additional To Be Paid - 10/4/2022

\$ 1,637,247.20

Contractor's Application for Payment

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

Application No.: 4 Application Date: 9/29/2022
 Application Period: From 8/27/2022 to 9/23/2022

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)	\$	5,837,589.10
5. Retainage		
a. 5% X \$ 4,062,714.50 Work Completed	\$	203,135.73
b. 5% X \$ 1,774,874.60 Stored Materials	\$	88,743.73
c. Total Retainage (Line 5.a + Line 5.b)	\$	291,879.46
6. Amount eligible to date (Line 4 - Line 5.c)	\$	5,545,709.64
7. Less previous payments	\$	4,574,754.54
8. Amount due this application	\$	970,955.10
9. Balance to finish, including retainage (Line 3 - Line 4)	\$	10,711,116.41

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: Geislinger and Sons, Inc.

Signature: Matt Geislinger Date: 9-29-22
 Name: Matt Geislinger Title: Project Manager

Recommended by Engineer

By: Jared Voge
 Name: Jared Voge, P.E.
 Title: Principal Engineer
 Date: 9/29/2022

Approved by Owner

By: Sarah A Brunn
 Name: Sarah A. Brunn
 Title: City Administrator
 Date: 10/04/2022

Progress Estimate - Unit Price Work

Owner:		City of Foley						Contractor's Application for Payment					
Engineer:		Bolton & Menk, Inc.						Owner's Project No.:					
Contractor:		Geislinger and Sons, Inc.						Engineer's Project No.:					
Project:		Wastewater Regionalization Project						Agency's Project No.:					
Contract:		Wastewater Regionalization Project											
Application No.:		4		Application Period:		From 08/27/22		to 09/23/22		Application Date:		09/29/22	
A Bid Item No.	B Description	C Contract Information		E Unit Price (\$)	F Value of Bid Item (C X E) (\$)	F1 Previous Estimate		G Work Completed		I Materials Currently Stored (not in G) (\$)	J Work Completed and Materials Stored to Date (H + I) (\$)	K % of Value of Item (I / F) (%)	L Balance to Finish (F - I) (\$)
		Item Quantity	Units			Quantity Previous Estimate	Value Previous Estimate	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
Original Contract													
1	MOBILIZATION	1.00	LUMP SUM	570,000.00	570,000.00	0.29	165,300.00	0.35	199,500.00				
2	CLEARING AND GRUBBING	1.70	ACRE	31,000.00	52,700.00	0.55	17,050.00	0.55	17,050.00		199,500.00	35%	370,500.00
3	CLEARING AND GRUBBING	27.00	TREE	1,100.00	29,700.00	22.50	24,750.00	22.50	24,750.00		17,050.00	32%	35,650.00
4	DECOMMISSION BIRCH LIFT STATION	1.00	LUMP SUM	7,500.00	7,500.00	-	-	-	-		24,750.00	83%	4,950.00
5	SALVAGE AND REINSTALL SIGN	14.00	EACH	510.00	7,140.00	16.00	8,160.00	21.00	10,710.00		-	-	7,500.00
6	SALVAGE AND REINSTALL PIPE CULVERT	252.00	LIN FT	20.00	5,040.00	119.00	2,380.00	141.00	2,820.00		10,710.00	150%	(3,570.00)
7	AGGREGATE SURFACING FROM STOCKPILE (CV)	4,164.00	CU YD	21.00	87,444.00	-	-	-	-		2,820.00	56%	2,220.00
8	DEWATERING	1.00	LUMP SUM	0.01	0.01	-	-	-	-		-	-	87,444.00
9	GEOTEXTILE FABRIC, TYPE 5	8,053.00	SQ YD	2.00	16,106.00	-	-	-	-		-	-	0.01
10	COMMON EXCAVATION (P)	4,082.00	CU YD	15.00	61,230.00	2,869.00	43,035.00	2,869.00	43,035.00		-	-	16,106.00
11	AGGREGATE SURFACING, CLASS 2 (CV)	908.00	CU YD	50.00	45,400.00	-	-	-	-		43,035.00	70%	18,195.00
12	AGGREGATE SURFACING, CLASS 5 (CV)	1,519.00	CU YD	40.00	60,760.00	-	-	-	-		-	-	45,400.00
13	AGGREGATE BASE, CLASS 5 (CV)	2,747.00	CU YD	35.00	96,145.00	-	-	-	-		-	-	60,760.00
14	BITUMINOUS PATCH - DRIVEWAY	450.00	SQ YD	90.00	40,500.00	995.00	34,825.00	995.00	34,825.00		-	-	40,500.00
15	BITUMINOUS PATCH - STREET	796.00	SQ YD	85.00	67,660.00	-	-	-	-		-	-	67,660.00
16	12" PIPE APRON	4.00	EACH	250.00	1,000.00	-	-	-	-		-	-	1,000.00
17	15" PIPE APRON	6.00	EACH	310.00	1,860.00	-	-	-	-		-	-	1,860.00
18	18" PIPE APRON	4.00	EACH	375.00	1,500.00	-	-	-	-		-	-	1,500.00
19	24" PIPE APRON	4.00	EACH	525.00	2,100.00	2.00	1,050.00	2.00	1,050.00		1,050.00	50%	1,050.00
20	30" PIPE APRON	1.00	EACH	950.00	950.00	-	-	-	-		-	-	950.00
21	12" PIPE CULVERT	80.00	LIN FT	30.00	2,400.00	-	-	-	-		-	-	2,400.00
22	15" PIPE CULVERT	76.00	LIN FT	32.00	2,432.00	-	-	-	-		-	-	2,432.00
23	18" PIPE CULVERT	143.00	LIN FT	36.00	5,148.00	-	-	-	-		-	-	5,148.00
24	24" PIPE CULVERT	282.00	LIN FT	45.00	12,690.00	224.00	10,080.00	224.00	10,080.00		10,080.00	79%	2,610.00
25	30" PIPE CULVERT	20.00	LIN FT	65.00	1,300.00	-	-	-	-		-	-	1,300.00
26	CONNECT TO EXISTING SANITARY MAIN	8.00	EACH	7,500.00	60,000.00	-	-	-	-		-	-	60,000.00
27	8" SANITARY SEWER PIPE	221.00	LIN FT	125.00	27,625.00	-	-	-	-		-	-	27,625.00
28	12" SANITARY SEWER PIPE	1,995.00	LIN FT	135.00	269,325.00	-	-	-	-		-	-	269,325.00
29	15" SANITARY SEWER PIPE	285.00	LIN FT	140.00	39,900.00	-	-	-	-		-	-	39,900.00
30	18" SANITARY SEWER PIPE	40.00	LIN FT	165.00	6,600.00	-	-	-	-		-	-	6,600.00
31	27" SANITARY SEWER PIPE	38.00	LIN FT	250.00	9,500.00	-	-	-	-		-	-	9,500.00
32	FORCE MAIN (MIN. I.D. 11.65 INCHES)	70,839.00	LIN FT	100.00	7,083,900.00	19,568.00	1,956,800.00	20,918.00	2,091,800.00	1,402,285.68	3,494,085.68	49%	3,589,814.32
33	24" CASING (MIN. DIAM)	374.00	LIN FT	250.00	93,500.00	-	-	-	-		-	-	93,500.00
34	TRENCHLESS FORCE MAIN - (MIN. I.D. 11.65 INCHES)	10,692.00	LIN FT	115.00	1,229,580.00	1,619.00	186,185.00	3,905.00	449,075.00	152,542.63	601,617.63	49%	627,962.37
35	TRENCHLESS FORCE MAIN & CASING-SIMULTANEOUS PULL	1,386.00	LIN FT	250.00	346,500.00	87.00	21,750.00	710.00	177,500.00	220,046.29	397,546.29	115%	(51,046.29)
36	TRENCHLESS 30" CASING (DIRECTIONAL DRILL)	11.00	LIN FT	850.00	93,500.00	-	-	-	-		-	-	93,500.00
37	GATE VALVE AND BOX	12.00	EACH	5,500.00	66,000.00	2.00	11,000.00	3.00	16,500.00		16,500.00	25%	49,500.00
38	METERING & OUTFALL MANHOLES - FOLEY	1.00	LUMP SUM	40,000.00	40,000.00	-	-	-	-		-	-	40,000.00
39	METERING MANHOLE - SAUK RAPIDS	1.00	LUMP SUM	45,000.00	45,000.00	-	-	-	-		-	-	45,000.00
40	CONSTRUCT 8" OUTSIDE DROP	4.30	LIN FT	650.00	2,795.00	-	-	-	-		-	-	2,795.00
41	CONSTRUCT SANITARY SEWER MANHOLE - DESIGN 4007 48"	178.00	LIN FT	550.00	97,900.00	-	-	-	-		-	-	97,900.00
42	CONSTRUCT SANITARY SEWER MANHOLE - 60" DESIGN	23.90	LIN FT	650.00	15,535.00	-	-	-	-		-	-	15,535.00
43	FIBERGLASS-REINFORCED MANHOLE	1.00	EACH	40,000.00	40,000.00	-	-	-	-		-	-	40,000.00
44	CASING ASSEMBLY	14.00	EACH	1,000.00	14,000.00	-	-	-	-		-	-	14,000.00
45	AIR & VACUUM RELEASE MANHOLE	42.00	EACH	25,000.00	1,050,000.00	5.25	131,250.00	8.25	206,250.00		-	-	1,050,000.00
46	LOCATE EXISTING UTILITY	468.00	EACH	125.00	58,500.00	73.00	9,125.00	82.00	10,250.00		206,250.00	20%	843,750.00
47	CONSTRUCT LIFT STATION - BROADWAY	1.00	LUMP SUM	350,000.00	350,000.00	-	-	-	-		10,250.00	18%	48,250.00
48	BROADWAY LIFT STATION ELECTRICAL, GENERATOR, &	1.00	LUMP SUM	125,000.00	125,000.00	-	-	-	-		-	-	350,000.00
49	CONSTRUCT LIFT STATION - GOLF	1.00	LUMP SUM	400,000.00	400,000.00	0.10	40,000.00	0.40	160,000.00		-	-	125,000.00
											160,000.00	40%	240,000.00

Unit Price

ECDC C-620 Contractor's Application for Payment
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Progress Estimate - Unit Price Work

Owner:		City of Foley				Contractor's Application for Payment																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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Unit Price

EJCDC C-620 Contractor's Application for Payment
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Owner:	City of Foley
Engineer:	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.: _____

Stored Materials



**BOLTON
& MENK**

Real People. Real Solutions.

2040 Highway 12 East
Willmar, MN 56201-5818

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

9/29/2022

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. 4 for the above referenced project. The estimate includes work completed through September 23rd. 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

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

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

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

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

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

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

- A. Commercial Vehicle. Commercial vehicle shall be defined as all motor vehicles used for the transportation of passengers for hire, goods, wares, or merchandise, weighing 15,000 pounds gross vehicle weight, or more, with load, OR being more than twenty-two (22) feet in over-all length OR having more than two (2) axles. Notwithstanding the aforementioned, the term commercial (in general) shall be defined as, but not limited to; of or relating to commerce OR engaged in commerce, OR used primarily in the conduct of a business as opposed to private family or individual use, OR for the purpose of making a profit. Commercial vehicles may also be identified by signage on the unit. Provisions of this ordinance shall apply to vehicles such as, but not limited to: semi-trailers, truck-tractors, tanker-trucks, construction vehicles including backhoes, bobcats, bucket loaders, track vehicles, buses, garbage hauling trucks and dumpsters.
- B. Crosswalk. The term Crosswalk shall mean: (1) that portion of a roadway ordinarily included with the prolongation or connection of the lateral lines of sidewalks at intersections, or (2) any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- C. Driveway. Driveway shall mean the improved or unimproved place on private property that a vehicle would have to travel over in a direct path in order to enter a garage or carport, or to enter an exterior or interior side yard immediately adjacent to a garage or carport, from a designated entry/exit point on a public right-of-way.

include a trailer drawn by a truck-tractor semi-trailer combination, or an auxiliary axle on a motor vehicle which carries a portion of the weight of the motor vehicle to which it is attached.

- M. Truck. Truck shall be defined as any motor vehicle designed and used for carrying things other than passengers, except pickup trucks and vans with a manufacturer's normal capacity of 1 ton or less and commonly known as a pickup truck.
- N. Truck-Tractor. Truck-tractor shall be defined as a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn, AND a motor vehicle designed and used primarily for drawing other vehicles used exclusively for transporting motor vehicles and capable of carrying motor vehicles on its own structure.
- O. Vehicle. For the purpose of this Ordinance, Vehicle shall refer to any of the aforementioned definitions including, but not limited to motor vehicle, commercial vehicle, semi-trailers, trailers, trucks, truck-tractors, RV's, equipment or utility trailers.
- P. Gravel. Gravel shall mean crushed limestone or other non-granite aggregate containing fine materials often referred to as "Class 5 Gravel," "Class 2 Buff Limestone," "Class 2 Red Limestone," or other typical road base materials.

Section 1030:06. Parking Regulations.

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

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

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

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

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

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

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

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

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

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

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

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

Section 1030:08. Commercial Vehicle Storage.

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

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

Section 1030:10. Recreational Vehicle Storage.

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

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

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

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

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

Section 1030:12. Storage On Residential Lots.

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

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

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

Subdivision 3. All Vehicles in the side yard shall be parked or stored on a Parking Surface as defined by this Ordinance or may be parked on unsurfaced areas in lieu of a Parking Surface, provided the area under and around the Vehicle or Trailer is maintained free of tall grass or weeds per City of Foley Zoning Ordinance 1145.

Subdivision 4. Vehicles or Trailers parked within a back yard shall comply with rear and side yard setback requirements applicable to accessory structures and shall be parked or stored on a Parking Surface as defined by this Ordinance or may be parked on a unsurfaced area in lieu of a Parking Surface, provided the area under and around the Vehicle or Trailer is maintained free of tall grass or weeds per City of Foley Zoning Ordinance 1145.

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

Section 1030:14. Exceptions.

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

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

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

Section 1030:18. Enforcement and Penalty.

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

Subdivision 2. Appeal. If an owner who received notice to remove a vehicle provided for by this Ordinance believes that the order has been wrongly issued, said owner may appeal the order by filing with the City Administrator a written notice of appeal within five (5) days of the date of the notice. Upon receipt of notice of an appeal the City Administrator shall place the matter on the next regular Council Agenda, when the matter will be heard by the City Council. The owner may present testimony and information to the Council, as may the City Administrator, City staff, and other concerned citizens. After due consideration, the City Council shall decide whether the order will stand. In the event the Council determines that the order is appropriate, the owner shall have three (3) days from the date of the Council's decision to comply with the order.

Subdivision 3. Failure to Comply. If an owner who has received an order under this Ordinance fails to comply within the applicable time frame, the City may remove the vehicle in violation of this ordinance from the premises. The City Administrator shall keep a record showing the cost of such.

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

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

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

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

Chapter X – TRAFFIC REGULATIONS of the 1974 Code of Ordinance was amended by Ordinance Number 416 adding Section 1030 Motor, Commercial Vehicle, R.V. and Trailer Storage and Parking, adopted May 6, 2014, published and effective May 13, 2014.

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

PROPERTY OWNER	RENTAL PROPERTY ADDRESS	UNITS	Jan-May 2022 Average monthly gallon usage	average monthly bills	potential income	income /loss per month
Catherine Square Apts	111 & 113 4 th Ave S	24	50074	968.04	1177.44	209.4
Foley Square Apts	153 4 th Ave S	21	34,711	790.4	1030.26	239.86
Foley 8-Plex	787 9 th Ave	8	16,631	321.79	392.48	70.69
Theater Apts	430 Dewey St	9	51,539	997.44	441.54	-555.9
Dewey Place Apts	455 Dewey St Dewey Place	24	52,910	1071.99	1177.44	155.45
Falconshire Apts	150 Main St	12	30,942	751.39	588.72	-162.67
Meadow Creek Village II	160 Main St	18	49,964	965.11	883.08	-82.03
Meadow Creek Village I	170 Main St	18	35,239	680.92	883.08	202.16
The Gardens at Foley AL	120 Norman Ave S	30	53,580	1034.9	1471.8	436.9
The Gardens at Foley	253 Pine St	78 beds	189,627	3735.6	3826.68	91.08
Penn Street Apts	710 Penn St	8	17,122	331.25	392.48	61.23
Penn Estates Apts	750 Penn St	15	42450	820.09	735.9	-84.19
Bentonwood I Apts	250 Pine St	12	43089	832.43	588.72	-243.71
Bentonwood II Apts	254 Pine St	12	20438	395.26	588.72	193.46
Pine Street Apts	280 Pine St	8	15108	362.55	392.48	29.93
Pines Family West	300 Pine St	6	12,106	234.46	294.36	59.9
Pines Family East	400 Pine St	6	19498	377.14	294.36	-82.78
				\$14,620.76	\$15,159.54	\$538.78
						\$6465.36 per year
						with 2022 rates!