



**City Council – Meeting Agenda  
November 1, 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 October 4, 2022.
  - Approve payment of bills.
5. Wastewater Regionalization Project
  - Update on project & Pay Application Request #5 – Bolton & Menk – Jared Voge
6. 2022 State Senate and Representative Candidates
7. Public Hearing – Fee Schedule
  - Adopt Ordinance #469 -2023 Fee Schedule
  - Adopt Ordinance #470 -Sewer Rates
  - Adopt Ordinance #471 -Water Rates
8. Public Hearing – Special Assessments – I/I & Snow/Weeds
  - Adopt Resolution #2022-26 Assess I/I Penalties
  - Adopt Resolution #2022-27 Assess Weeds/Snow Charges
9. Public Hearing – Casey’s Tobacco Violation
  - Assess Penalty Per MN State Statutes 461.12
10. Mayor’s Comments & Open Forum
11. Department Reports:
  - Police Department –Katie McMillin
  - City Attorney – Adam Ripple/Ashley Bukowski
  - City Engineer – Jarod Griffith
    - Update on Highway 23 Project
  - Public Works/Fire – Mark Pappenfus
  - Administration – Sarah Brunn
    - 2023 Budget Update
12. Old Business
13. New Business
14. Adjourn

CITY OF FOLEY, MINNESOTA  
CITY COUNCIL MEETING – October 4, 2022

The Foley City Council held their regular meeting on Oct. 4, 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 Gondeck, seconded by Swanson, to approve the agenda.

Motion carried, unanimous.

Sarah Brunn addressed the council saying she would like to note on the consent agenda amendments to the contract for deed and the changes to the acreage. The server was down at City Hall, but staff will get the amendments uploaded to the website. They are included in the council packet.

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

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.
  - Memorandum of Agreements.
  - First Amendment to Option Agreement.
- Approve Updated Police Policy – Allegations to Misconduct Model Policy and Professional Conduct of Peace Officers Model Policy
- Approve payment of bills.

Motion carried, unanimous.

**Wastewater Regionalization Project**

Jared Voge from Bolton & Menk gave an update on the wastewater project. The project is moving forward with 31% of the overall project now complete. The project is going well with crews crossing Hwy 23 and continuing to move toward County Road 51. Crews are working on multiple items. Drillers are in town along Hwy 25. He recommended payment of Pay Application Request #4 of \$970,955.10.

Motion by Gondeck, seconded by Musachio, to approve Pay Application Request #4.

Motion carried, unanimous.

### **2022 State Senate and Representative Candidates**

No candidates were in attendance.

### **Parking & Storage Ordinance Update**

Brunn directed the council to the updated Parking and Storage ordinance in their packets. A draft ordinance was also posted online. Gondeck addressed the council stating that the ordinance was brought back for discussion again stating that he believes responsible people can do responsible things and that the choice should be given back to the residents.

Discussion and questions followed.

Motion by Gondeck, seconded by Bettendorf, to approve the revisions to the Parking & Storage ordinance.

Motion carried, unanimous.

### **Mayor's Comments and Open Forum**

Debra Olson, 600 Dewey Street, addressed the council regarding her concerns of freedom of speech during the council meetings. She said she had originally asked to be on the agenda to discuss Roberts Rules of Order, but claimed the city administrator had refused her request. The printed copy of Olson's and Brunn's email correspondence was distributed to the council. The email showed the city administrator had responded to Olson's question about the meeting rules and asked if Olson still wished to be included on the agenda. Olson did not reply to the administrator to confirm if she wished to be on the agenda. Olson stated to the council that the rules of the meeting allowed the audience to raise their hands and ask questions or make comments as long as they were recognized by the mayor.

### **Departmental Reports**

#### **Foley Police Department**

Chief Katie McMillian gave an overview of the September crime stat report. There were a total of 366 calls for service in September, including driving conduct, stop sign violations, and no valid driver's license. Child calls were up with school back in session. McMillin also reminded the council that Winter Parking Enforcement will begin on Nov. 1. Reminders have been posted online through the city's social media and web page and will also appear in the Benton County News. Halloween Safety at school will be on Oct. 31. The post board audit will be on Oct. 20. The audit is scheduled every five years.

#### **City Engineer**

Jarod Griffith gave an overview of the Hwy 23 project. Broadway Avenue is now open to through traffic. Crews are currently wrapping up the storm sewer and drain tile between Broadway and 8<sup>th</sup>. We should see curb by the end of the week. Early next week crews will do the realignment of the storm sewer between 8<sup>th</sup> and 9<sup>th</sup>.

Discussion and questions followed.

Griffith added that if it gets too cold for sidewalks and trails to be installed then that portion of the project will be pushed to next year. Both are still planned for this year.

Griffith also updated the council on the industrial park wetlands. Staff submitted the delineation report to the county. They have until Oct. 13 to reply.

Discussion and questions followed.

### **Public Works and Fire Department**

Mark Pappenfus gave an overview of items to the council. The sweeper that was purchased arrived and will be used this fall. The crew has been doing a lot of jetting, which will last another 2-3 weeks. Flushing will be done through October. Some of the overlays on the trails and basketball court are done. The Fire Department's open house will be this Saturday at 11 a.m. Staff is also looking into funding to create a pickle ball court on the tennis courts. Estimating the project would cost \$80,000 - \$100,000.

### **Administration**

Sarah Brunn gave an overview to the council. Staff is still waiting on more information on health insurance numbers. Numbers typically reflect inflation so staff is expecting a double-digit increase. Brunn encouraged the council to ask questions if there are other budget items they would want to discuss. Tax statements will go out to the public from Benton County. Brunn reminded the council that the percentage can be lowered if they wish when the budget is finalized in December.

Brunn gave an overview of how the city might set new water/sewer minimums for multi-unit dwellings (apartment buildings and trailer parks). Staff ran some rough numbers. The minimum number of gallons might not stay the same for these units. Letters would be sent to these property owners based on whatever the council decides. When the council approves the fee schedule, letters will be sent to building owners.

Discussion and questions followed.

### **Old Business**

There was no old business.

### **New Business**

Gondeck stated that he would be attending the Northland Reliability Project meeting on Oct. 18. Brunn added she would post that there could be a possible quorum that day.

Gondeck also stated that he'd been approached by several residents about the possibility of turning the intersection at 4<sup>th</sup> Avenue North and Dewey Street into a permanent four-way stop.

Brunn explained that since Dewey Street is a county road that Benton County would have to agree to it. The request has been made before and was denied.

Swanson asked if a stop sign could be placed at the corner on Norman Avenue by the school. Brunn explained that there is a process that would need to be followed. There are a number of steps and a cost is involved.

Discussion and questions followed.

Motion by Gondeck, seconded by Musachio, to adjourn.

Motion carried, unanimous.

Meeting adjourned at 6:08 p.m.

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

**Bills List - October 1st, 2022**

Gross Salaries	Payroll - 10/7/22	\$	34,222.23
EFTPS	Federal Withholding	\$	5,830.83
MN Dept of Revenue	State Withholding	\$	1,171.85
State Treas. PERA	PERA	\$	6,717.03
Nationwide	Deferred Comp	\$	1,057.59
Pacific Life Ins	Deferred Comp/Roth IRA	\$	70.00
Further	HSA Contribution	\$	1,059.79
Gross Salaries	Payroll - 10/21/22	\$	33,766.70
EFTPS	Federal Withholding	\$	5,855.29
MN Dept of Revenue	State Withholding	\$	1,172.53
State Treas. PERA	PERA	\$	6,559.38
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 11/1/2022**

Further	10/22 Employer H SA Contributions and Admin Fee	\$	380.35
		\$	100,245.95

**To Be Paid - 11/1/2022**

Auto Value	PW & FD Vehicle Maintenance	\$	2,660.06
Banyon Data Systems	accounting software	\$	1,775.00
Benton County Attorney	9/22 Legal Fee's	\$	286.00
Benton County Highway Department	9/22 PD Fuel	\$	1,178.96
Benton County Planning & Zoning	Ind Park Wetland Filing	\$	75.00
Biller Press	PD Parking Ticket Order	\$	449.17
Bolton & Menk	WW Expansion - Engineering	\$	97,357.25
Bureau of Crim. Apprehension	PD CJDN Membership Access fee	\$	600.00
C&L Excavating Inc	PW Water Repair 9th Ave	\$	1,800.00
Central McGowan	FD & PD Supplies	\$	269.49
Chamberlain Oil Co.	PW & FD Supplies	\$	578.10
Cintas	Uniforms	\$	350.59
Cloudnet	10/22 Server Fee	\$	10.00
Coborns	FD and City Office Supplies	\$	62.38
Delta Dental	11/2022 Employee Dental Insurance	\$	1,265.60
Digital Printing	City Hall Supplies	\$	300.27
Ferguson WaterWorks	PW Water Supplies	\$	320.92
First National Bank Omaha	10/22 CC Payment	\$	968.48
Flow Measurement and Control	Certification of Pipe Flow Meter	\$	554.00
Foley Auto Glass	PW Vehicle Repair	\$	130.00
Gals	PD Uniforms Vickstrom	\$	1,226.32
Geislinger and Sons, Inc	Pay App # 5 WW Exp Project	\$	791,255.79
Gilman Coop Creamery	PW Supplies	\$	294.98
Granite Electronics	FD & PW Supplies	\$	2,091.94
HandyMan's Hardware	Park Supplies	\$	568.98
Hanson Paving	General Street, Park & Trail Improvements	\$	35,636.00
Hawkins	Water Supplies	\$	3,959.92
HealthPartners	11/2022 Insurance Premium	\$	13,690.04
Helmin Construction	Street Class 5	\$	439.13
Henry Embroidery & Screen	FD supplies	\$	377.00
JM Trucking & Tractor Repair	FD State Inspect	\$	2,180.00
JR Masonry & Concrete	PW Shed Maintenance	\$	33,282.00
K&K Tire and Auto	PW Vehicle Maintenance	\$	926.50
Kirby Built	Park Supplies	\$	328.02
Larry Nadeau	Reimbursement for Fire Chiefs Conference	\$	707.70
League of Minnesota Cities	Processing fee and Annual Membership	\$	171.88
Marco	10/22 Copier Lease	\$	266.04
Mark Pappenfus	Reimbursement for Fire Chiefs Conference	\$	944.46
Midco	phone & Internet Service	\$	819.20
MN Department of Revenue	10/22 Sales and Use Tax	\$	730.00
Murphy Chevrolet	PD 2021 Chev Tahoe Maintenance	\$	80.85
Nuss Truck & Equipment	FD vehicle Maintenance	\$	81.36
RecSupply	Pool Supplies	\$	1,663.20
RevTrak, Inc	9/22 CC fee's	\$	1,576.08
Rinke Noonan	General Legal	\$	1,928.00
RMB Environmental Laboratories, Inc	Water Supplies	\$	448.67
Shift Technologies, Inc.	10/22 IT Services	\$	121.20
Short Elliott Hendrickson	Hwy 23 Utilities	\$	9,025.98
Staples	Supplies	\$	44.79
Star Publications	FD Red Cross Smoke Detector Project	\$	204.39
Sun Life Assurance	Employee LTD	\$	274.75
Tri-County Humane Society	Animal Surrender	\$	100.00
USABLE Life	10/22 Life Insurance	\$	261.50
Verizon	PW,FD,FD Cell Phone	\$	467.74
Xcel Energy	Utilities	\$	6,030.74

\$ 1,123,442.37

**Additional To Be Paid - 11/1/2022**

\$ 1,123,442.37



Real People. Real Solutions.

2040 Highway 12 East  
Willmar, MN 56201-5818

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

10/25/2022

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. 5 for the above referenced project. The estimate includes work completed through October 21st. We have reviewed the estimate and recommend approval. If you agree, please sign and date three copies and return one with payment to Geislinger & Sons, Inc., one copy to me for our records, and retain one for yourself.

Please contact me if you have any questions.

Sincerely,

**Bolton & Menk, Inc.**

  
**Jared Voge, P.E.**  
Principal Engineer

**Contractor's Application for Payment**

Owner:	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.:	5	Application Date:	10/25/2022
Application Period:	From 9/24/2022	to	10/21/2022

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)	\$	6,670,489.93
5. Retainage		
a. 5% X \$ 5,372,885.51 Work Completed	\$	268,644.28
b. 5% X \$ 1,297,604.42 Stored Materials	\$	64,880.22
c. Total Retainage (Line 5.a + Line 5.b)	\$	333,524.50
6. Amount eligible to date (Line 4 - Line 5.c)	\$	6,336,965.43
7. Less previous payments	\$	5,545,709.64
8. Amount due this application	\$	791,255.79
9. Balance to finish, including retainage (Line 3 - Line 4)	\$	9,878,215.58

**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:** 10-25-22**Name:** Matt Geislinger**Title:** Project Manager**Recommended by Engineer****Approved by Owner****By:** Jared Voge**By:** \_\_\_\_\_**Name:** Jared Voge, P.E.**Name:** \_\_\_\_\_**Title:** Principal Engineer**Title:** \_\_\_\_\_**Date:** 10/25/2022**Date:** \_\_\_\_\_



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. R21.120226
Project:	Wastewater Regionalization Project	Agency's Project No.:
Contract:	Wastewater Regionalization Project	

Application No.: 5		Application Period: From 09/24/22 to 10/21/22				Application Date: 10/25/22							
A	B	C	D	E	F	F1	F2	G	H	I	J	K	L
Bid Item No.	Description	Contract Information				Previous Estimate		Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)
		Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	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	0.35	199,500.00	0.41	233,700.00		233,700.00	41%	336,300.00
2	CLEARING AND GRUBBING	1.70	ACRE	31,000.00	52,700.00	0.55	17,050.00	0.55	17,050.00		17,050.00	32%	35,650.00
3	CLEARING AND GRUBBING	27.00	TREE	1,100.00	29,700.00	22.50	24,750.00	24.50	26,950.00		26,950.00	91%	2,750.00
4	DECOMMISSION BIRCH LIFT STATION	1.00	LUMP SUM	7,500.00	7,500.00	-	-	-	-		-	-	7,500.00
5	SALVAGE AND REINSTALL SIGN	14.00	EACH	510.00	7,140.00	21.00	10,710.00	34.00	17,340.00		17,340.00	243%	(10,200.00)
6	SALVAGE AND REINSTALL PIPE CULVERT	252.00	LIN FT	20.00	5,040.00	141.00	2,820.00	243.00	4,860.00		4,860.00	96%	180.00
7	AGGREGATE SURFACING FROM STOCKPILE (CV)	4,164.00	CU YD	21.00	87,444.00	-	-	-	-		-	-	87,444.00
8	DEWATERING	1.00	LUMP SUM	0.01	0.01	-	-	1.00	0.01		0.01	100%	-
9	GEOTEXTILE FABRIC, TYPE 5	8,053.00	SQ YD	2.00	16,106.00	-	-	-	-		-	-	16,106.00
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		43,035.00	70%	18,195.00
11	AGGREGATE SURFACING, CLASS 2 (CV)	908.00	CU YD	50.00	45,400.00	-	-	-	-		-	-	45,400.00
12	AGGREGATE SURFACING, CLASS 5 (CV)	1,519.00	CU YD	40.00	60,760.00	-	-	-	-		-	-	60,760.00
13	AGGREGATE BASE, CLASS 5 (CV)	2,747.00	CU YD	35.00	96,145.00	995.00	34,825.00	995.00	34,825.00		34,825.00	36%	61,320.00
14	BITUMINOUS PATCH - DRIVEWAY	450.00	SQ YD	90.00	40,500.00	-	-	-	-		-	-	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	4.00	2,100.00		2,100.00	100%	-
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	284.00	12,780.00		12,780.00	101%	(90.00)
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	20,918.00	2,091,800.00	27,614.00	2,761,400.00	1,157,578.50	3,918,978.50	55%	3,164,921.50
33	24" CASING (MIN. DIAM)	374.00	LIN FT	250.00	93,500.00	-	-	56.00	14,000.00		14,000.00	15%	79,500.00
34	TRENCHLESS FORCE MAIN - (MIN. I.D. 11.65 INCHES)	10,692.00	LIN FT	115.00	1,229,580.00	3,905.00	449,075.00	4,758.00	547,170.00	64,431.63	611,601.63	50%	617,978.37
35	TRENCHLESS FORCE MAIN & CASING-SIMULTANEOUS PULL-	1,386.00	LIN FT	250.00	346,500.00	710.00	177,500.00	825.00	206,250.00	75,594.29	281,844.29	81%	64,655.71
36	TRENCHLESS 30" CASING (DIRECTIONAL DRILL)	110.00	LIN FT	850.00	93,500.00	-	-	-	-		-	-	93,500.00
37	GATE VALVE AND BOX	12.00	EACH	5,500.00	66,000.00	3.00	16,500.00	4.00	22,000.00		22,000.00	33%	44,000.00
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	CASTING 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	8.25	206,250.00	10.50	262,500.00		262,500.00	25%	787,500.00
46	LOCATE EXISTING UTILITY	468.00	EACH	125.00	58,500.00	82.00	10,250.00	92.00	11,500.00		11,500.00	20%	47,000.00
47	CONSTRUCT LIFT STATION - BROADWAY	1.00	LUMP SUM	350,000.00	350,000.00	-	-	-	-		-	-	350,000.00
48	BROADWAY LIFT STATION ELECTRICAL, GENERATOR, &	1.00	LUMP SUM	125,000.00	125,000.00	-	-	-	-		-	-	125,000.00
49	CONSTRUCT LIFT STATION - GOLF	1.00	LUMP SUM	400,000.00	400,000.00	0.40	160,000.00	0.85	340,000.00		340,000.00	85%	60,000.00

Unit Price

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

Application No. 5		Application Period: From 09/24/22 to 10/21/22				Application Date: 10/25/22							
A	B	C	D	E	F	F1	F2	G	H	I	J	K	L
Bid Item No.	Description	Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Previous Estimate		Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F)	Balance to Finish (F - J) (\$)
						Quantity Previous Estimate	Value Previous Estimate	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
50	GOLF LIFT STATION ELECTRICAL, GENERATOR, & CONTROLS	1.00	LUMP SUM	140,000.00	140,000.00	-	-	-	-	-	-	-	140,000.00
51	CONSTRUCT LIFT STATION - MAIN	1.00	LUMP SUM	500,000.00	500,000.00	0.85	425,000.00	0.85	425,000.00	-	425,000.00	85%	75,000.00
52	MAIN LIFT STATION ELECTRICAL, GENERATOR, & CONTROLS	1.00	LUMP SUM	140,000.00	140,000.00	-	-	-	-	-	-	-	140,000.00
53	LIFT STATION ALTERATIONS - LANGE	1.00	LUMP SUM	200,000.00	200,000.00	-	-	-	-	-	-	-	200,000.00
54	LANGE LIFT STATION ELECTRICAL, GENERATOR, & CONTROLS	1.00	LUMP SUM	55,000.00	55,000.00	-	-	-	-	-	-	-	55,000.00
55	CONSTRUCT ODOR CONTROL BUILDING	1.00	LUMP SUM	600,000.00	600,000.00	-	-	-	-	-	-	-	600,000.00
56	ODOR CONTROL BUILDING ELECTRICAL & CONTROLS	1.00	LUMP SUM	50,000.00	50,000.00	0.10	60,000.00	0.24	144,000.00	-	144,000.00	24%	456,000.00
57	PUBLIC WORKS SCADA/ELECTRICAL & PROGRAMMING	1.00	LUMP SUM	51,000.00	51,000.00	-	-	-	-	-	-	-	50,000.00
58	CHAIN LINK FENCE	427.00	LIN FT	50.00	21,350.00	-	-	-	-	-	-	-	51,000.00
59	TRAFFIC CONTROL	1.00	LUMP SUM	50,000.00	50,000.00	0.35	17,500.00	0.41	20,500.00	-	20,500.00	41%	21,350.00
60	EROSION AND SEDIMENT CONTROL	1.00	LUMP SUM	60,000.00	60,000.00	0.33	21,000.00	0.41	24,600.00	-	24,600.00	41%	29,500.00
61	RIPRAP, CLASS III	178.00	CU YD	65.00	11,570.00	-	-	-	-	-	24,600.00	41%	35,400.00
62	SEED 25-141, FERTILIZER, HYDRAULIC MATRIX	305,376.00	SQ YD	0.50	152,688.00	99,607.00	49,803.50	111,176.00	55,588.00	-	55,588.00	36%	97,100.00
63	SEED 25-141, FERTILIZER, EROSION CONTROL BLANKET	54,312.00	SQ YD	2.50	135,780.00	11,980.00	29,950.00	13,135.00	32,837.50	-	32,837.50	24%	102,942.50
64	SEED 34-171	39,905.00	SQ YD	0.50	19,952.50	1,120.00	560.00	6,444.00	3,222.00	-	3,222.00	16%	16,730.50
65	GENERAL CONSTRUCTION ALLOWANCE	1.00	ALLOWANCE	120,000.00	120,000.00	-	-	-	-	-	-	-	120,000.00
66	COMPUTER ALLOWANCE	1.00	ALLOWANCE	10,000.00	10,000.00	-	-	-	-	-	-	-	10,000.00
67	ST. CLOUD FLOW METERING ALLOWANCE	1.00	ALLOWANCE	500,000.00	500,000.00	-	-	-	-	-	-	-	500,000.00
68	UTILITY SERVICE ALLOWANCE	1.00	ALLOWANCE	400,000.00	400,000.00	-	-	-	-	-	-	-	400,000.00
A.1	JACK & AUGER 24" CASING (MIN DIAM) & FORCE MAIN	490.00	LIN FT	1,200.00	588,000.00	0.01	3,706.00	0.01	3,706.00	-	3,706.00	1%	396,294.00
Original Contract Totals					\$ 16,548,705.51		\$ 4,062,714.50		\$ 5,372,885.51	\$ 1,297,604.42	\$ 6,670,489.93	40%	\$ 9,878,215.58

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

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

ORDINANCE NUMBER 469

AN ORDINANCE ADOPTING THE CITY'S  
SCHEDULE OF FEES, RATES AND CHARGES

The following is the official summary of Ordinance No. 469 approved by the Foley City Council on November 1, 2022:

The Foley City Council adopted the City's fee schedule with Ordinance No. 469. The fee schedule provides all of various fees, charges, fines and penalties imposed or required by the City's Code and Ordinances, including but not limited to fees and charges for planning and zoning; building permits; fences; demolitions; mechanical installation permits; plumbing permits; excavations; driveways; park shelter rental; pool admissions; sewer and water hookup charges and rates; liquor, beer, tobacco and gambling licenses; animal and dog license fees; garbage hauling; parking; and other such fees.

A complete, printed copy of the Ordinance (Fee Schedule) is available for inspection by any person during regular office hours at the Foley City Hall.

\_\_\_\_\_  
Gerard L. Bettendorf, Mayor

ATTEST:

\_\_\_\_\_  
Sarah A. Brunn, City Administrator

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

ORDINANCE NUMBER 469

AN ORDINANCE ADOPTING THE CITY'S  
SCHEDULE OF RATES, FEES AND CHARGES

The Foley City Council ordains as follows:

SECTION 1. The City adopts the attached fee schedule as the City's official fee schedule.

SECTION 2. The attached fee schedule amends any previous fee schedules adopted by resolution.

SECTION 3. The City Council determines that the text of the summary of this Ordinance, a copy of which is attached, clearly informs the public of this Ordinance's intent and effect. The City Council further determines that publication of the title and such summary will clearly inform the public of this Ordinance's intent and effect.

SECTION 4. A complete, printed copy of the Ordinance will be available for inspection by any person during regular office hours at the City Clerk's Office.

SECTION 5. Four-fifths (4/5) of the City Council's members direct the City Clerk to publish only the title and a summary of this Ordinance.

SECTION 6. This Ordinance will be effective upon its passage and publication.

Passed and adopted by the Foley City Council this 1<sup>st</sup> day of November, 2022.

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Gerard L. Bettendorf, Mayor

ATTEST:

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Sarah A. Brunn, City Administrator



# City of Foley

## Schedule of Current Fees, Charges and Rates

(Effective 1-1-23)

Type	Section	Requirements	Amount
Annexation	105:00	Application Filed	\$400 plus actual costs
Assessment Search		Authorized Request	\$10.00
Auctioneers	530:02	Per Day	\$5.00
Auction License	530:25	Auction License Fee & \$1,000 Bond	Cost determined by City Council and paid at the time application for license or its renewal submitted.
Barbed Wire	1100:02, Subd 10	Application Fee Public Hearing Required	\$5.00
Beer License	425:00	Also See Liquor Licenses	
Beer – Off-Sale	425:08 (B)	Annual Application	\$20.00
Beer – On-Sale	425:08 (A)	Annual Application	\$60.00
Beer – Temporary	425:08 (C)	3 Day Maximum	\$25.00
Bingo	550:04, Subd 3	Annual Application & Bond (Taken over by the State)	\$10.00
Building Permit	605:02 & Ord. 319, Sect 3	Application Filed	Refer to attached building permit fee schedule
Cigarettes	520:04	Annual Application	\$125.00
City Council Salary	110:00	Mayor Council	\$150.00 per meeting
City Office Copies			\$0.25 per page
Civil Defense Officer	210:00	Council Appointed	\$120.00
Conditional Use Permit	Ord. 312, Sect 22 Subd 2, 3	Application Filed	\$250.00
Council Room Rent		By Reservation	\$50.00
Certification Fee (for tax collection)		Per Assessment	\$25.00
Demolition Permit	605:08	Application Filed	\$25.00
Dog License	1120:04  1120:08	(One-time license fee) Fee Per Dog Duplicate Tag Impound Fee Boarding Fee	\$20.00 \$5.00 \$50.00 plus boarding fee \$25.00 per day
Driveway Permit	Ord. 319, Sect 7 Subd 3, 18	Application Filed	\$50.00
Engineering Fee		On Permit Application	\$100.00
Excavating Fee	800:06 & Ord. 319, Sect 9 Subd 1, 4	Application Filed	Determined by cost of project based on attached building permit fee schedule

**City of Foley**  
**Schedule of Current Fees, Charges and Rates**

Type	Section	Requirements	Amount
Fence Permit	Ord. 319, Sect 5 Subd 2, 3	Application Filed	Refer to attached building permit fee schedule
Fire Calls	602:04	Medical Calls Emergency or Rescue Calls	\$150.00 Billed once to recipient, then to township \$300.00 for 1 <sup>st</sup> hour or fraction thereof \$250.00 for additional hours or fraction thereof
Fire Call Report		Signed Authorization Form	\$5.00 per report
Gambling	540:00, Subd 1	Annual Application & Bond (Taken over by the State)	\$100.00 Paddle Wheel \$10.00 Tipboard \$10.00 Raffle \$50.00 Premises Permit
Garbage Hauling Contract	510:06	Annual Application	\$25.00
Handgun Permit to Carry		Application Filed	\$10.00
Handicap Parking	1010:00		\$100.00
Health Officer	215:15	Council Appointed	\$100.00
Junk Dealers	535:02	Annual Application & \$2,000 Bond	\$100.00
Liquor License	425:15	Review, First Time Investigation Fee	\$500.00
3.2% Malt On-sale	425:08 (A)	Annual Application	\$60.00
3.2% Malt Off-sale	425:08 (B)	Annual Application	\$20.00
Temp 3.2% Malt	425:08 (C)	3 Day Maximum	\$50.00
Off-sale Liquor	425:08 (D)	Annual Application	\$150.00
On-sale Liquor	425:08 (E)	Annual Application	\$1,750.00
Sunday On-sale	425:08 (F)	Annual Application	\$150.00
Combo On/Off-sale	425:08 (G)	Annual Application	\$1,900.00
Temp On-sale Liquor	425:08 (H)	Application Filed	\$100.00
On-sale Wine	425:08 (I)	Annual Application	\$150.00
1 Day Consumption and Display	425:08 (J)	Application Filed	\$100.00
Approval of 1-Day Consumption	425:08 (K)	Application Filed	\$100.00
Culinary Class On-sale	425:08 (L)	Application Filed	\$100.00
Temp Off-sale Wine	425:08 (M)	3 Day Maximum	\$100.00
Brew Pub On-sale	425:08 (N)	Application Filed	\$500.00
Brewer Off-sale	425:08 (O)	Application Filed	\$100.00

**City of Foley**  
**Schedule of Current Fees, Charges, and Rates**

Type	Section	Requirements	Amount
Brewer Temp On-sale	425:08 (P)	Application Filed	\$100.00
Non-enclosed On-sale	425:08 (Q)	Application Filed	\$100.00
Temp Non-enclosed On-sale	425:08 (R)	Up to 4 Days, 3 times per year	\$100.00
Liquor – Community Festival Event	425:08 (S)	Application Filed	\$50.00 per event
Liquor Violation	425:29		1 <sup>st</sup> Violation: \$500.00 2 <sup>nd</sup> Violation: \$1,000.00 3 <sup>rd</sup> Violation: \$2,000.00
Livestock Keeping	1125:00	Prohibited Effective 7-6-10	
Manufactured Home Park	Ord. 319, Sect 20 Subd 10	Application Filed	
Manufactured Home Relocation	Ord. 319, Sect 20 Subd 3	Application Filed	
Mechanical Permit	702:00	Application Filed	Refer to attached mechanical permit fee schedule
Meter Maintenance Fee (Monthly)			
Minor Subdivision	Ord. 320, Sect 11 Subd 1 (6)	Application Filed	\$250.00
Non-Sufficient Funds Fee			\$30.00
Park Dedication Fee		On Permit Application	\$150.00 per lot
Park Shelter Rent		By Reservation No option of Lion main w/o kitchen	\$150.00 Holdridge #1 or Lion #4 \$75.00 Holdridge #2 or #3 (Non-Refundable)
Parking Ticket	1010:00		\$25.00
Planned Unit Development	Ord. 319, Sect 21 Subd 4, 2	Application Filed	\$250.00
Plat Review Fee	Ord. 320, Sect 4 & Sect 6		\$500.00 Preliminary Plat Fee
Planning/EDA Committee Member	Resolution		\$60.00/year annual stipend
Plumbing Permit	701:00	Application Filed	Refer to attached plumbing permit fee schedule
Police Accident Report		Signed Authorization Form	\$5.00 per report
Police Report		Signed Authorization Form	\$1.00 for 1 <sup>st</sup> page \$0.25 for each page thereafter \$4.00 for each photo
Preliminary Plat	Ord. 320 Sect 5 Subd 1	Application Filed	\$500.00 plus actual costs
Public Land Dedication	Ord. 320 Sect 10, Subd 1		\$1000.00 per lot or 1,000.00 sq ft per single family \$300.00 per unit or 400 sq ft per multi family
Razing/Demolishing	605:08	Permit Required	\$25.00
Recording Fee			\$46.00



**City of Foley**  
**Schedule of Current Fees, Charges and Rates**

Type	Section	Requirements	Amount
<b>Rental Property License</b>	730:03 Subd 1 & Resolution 2007 - 7	Application Filed	Dwelling License: \$30.00 for 1 <sup>st</sup> unit PLUS \$10.00 per unit thereafter Dwelling Inspection Fee: \$50.00 per unit (inspection + 1 follow up, \$100.00 min) Add'l Inspection Fee: \$50.00 per inspection Late Fees/Penalties: \$25.00 Reinstatement Fee: \$100.00 for 1 <sup>st</sup> unit reinstated PLUS \$20.00 each add'l unit Background Checks: per Police/Sheriff Dept.
<b>Rezoning</b>	Ord. 319, Sect 23	Application Filed	\$250.00
<b>Sewer Hookup Fee</b>	609:00	On Permit Application	\$1,200.00
<b>Sewer Rates</b>	610:00	Metered off water	\$1.95 per 100 gallons or portion thereof. (2023) \$2.44 per 100 gallons or portion thereof. (2024) \$2.93 per 100 gallons or portion thereof. (2025) Multi-family charged one minimum per unit.
<b>Signs</b>	Ord. 319, Sect 8	Application Filed	Refer to attached building permit fee schedule
<b>Small Animals</b>	1130:08	Application Filed	\$25.00
<b>Small Cell Facility</b>	815:01	Application Filed	\$500.00
<b>Special Building Official Inspection/Facility Compliance</b>	State of Minnesota	Application Filed	\$300.00
<b>Subdivision Developer Agreement</b>	Ord. 320, Sect 9		Escrow deposits to cover improvement costs
<b>Swimming Pool Fees</b>	Ord. 408		Age 15 & under: \$4.00 Age 16 & above: \$5.00
<b>Swimming Lessons</b>			25 min sessions: \$40.00 50 min sessions: \$80.00
<b>TIF – Tax Increment Financing</b>	Policy	Application Filed	\$1,000.00 (non-refundable)
<b>Tower Permit</b>	Ord. 319, Sect 9	Application Filed	Refer to attached building permit fee schedule
<b>Transient Merchant</b>	532:00	Application Filed & \$1,000 Bond	\$100.00
<b>Trunk Fees</b>	609:00 Article III (C)	Subdivision or Property Improvement Area Trunk Fee	See 609:00 Article III C Exhibit A, Sewer & Water Area Trunk Fees Schedule Attached
<b>Water Meter &amp; Hookup</b>	620:00	On Permit Application	\$1,500.00

<b>Water Rates</b>	615:0 0	Metered	\$0.65 per 100 gallons or portion thereof. *Multi-family charged one minimum per unit.
<b>Water Bulk Rate</b>			\$3.00 per 100 gallons - \$50.00 minimum billing
<b>Water Disconnect &amp; Re-Connect Fee</b>	615:00		\$100.00 each (one for turn-off, one for turn-on)
<b>Water Meter Reading</b>	615:00	By Public Works	\$25.00 per reading
<b>Water Payment</b>	615:00	Late Penalty Fee	\$25.00
<b>Water Test Fee</b>	Mn Dept of Health State Statute		\$1.59 per meter
<b>Winter Parking</b>	1010:14, Subd 4		\$25.00
<b>Variance</b>	Ord. 319, Sect 24	Application Filed	\$250.00
<b>Zoning Amendment</b>	Ord. 319, Sect 23	Application Filed	\$250.00

Exhibit A: City of Foley Trunk Water and Sewer Rates  
Established in 2005

Land Use	Water Rates				Sewer Rates			
	Trunk Fee		WAC		Trunk Fee		SAC	
	Rate	Unit	Rate	Unit	Rate	Unit	Rate	Unit
Single Family Residential, Manufactured Housing	\$ 1,510	Ac	\$ 1,500	Unit	\$ 3,130	Ac	\$ 1,200	Unit
Commercial, General Commercial	2,520	Ac	2,520	Ac	5,220	Ac	4,810	Ac
Industrial, Multi Family	3,860	Ac	3,860	Ac	6,260	Ac	5,780	Ac
Public/Golf/Park	630	Ac	630	Ac	1,300	Ac	1,200	Ac

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

ORDINANCE NUMBER 470

AN ORDINANCE AMENDING THE FOLEY CITY ORDINANCES  
CHAPTER VI, SECTION 610  
SEWER RATES AND CHARGES

THE COUNCIL OF THE CITY OF FOLEY HEREBY ORDAINS that the 1974 Code of Ordinances of the City of Foley CHAPTER VI, FEES, CHARGES and RATES be amended:

The existing Section 610:00 Sewer Rates and Charges Subd. 3, and Subd. 5 are repealed, substituting therefore the following Section 610:00 Subd. 3 and Subd. 5, to read as follows:

Section 610:00 Sewer Rates and Charges Established.

Subd. 3. The following monthly sewage service charges and rates be, and the same hereby are continued as heretofore adopted, for usage of the municipal sewage service:

- (a) Minimum for up to 2,500 gallons.....\$48.75 per month
- (b) Excess over 2,500 gallons.....\$1.95 per 100 gallons  
or portion thereof.

Subd. 5. Effective date of Sewer Rates. The sewer rates described above shall take effect on January 1, 2023.

Passed and adopted by the City Council of the City of Foley this 1<sup>st</sup> day of November, 2022.

\_\_\_\_\_  
Gerard L. Bettendorf, Mayor

ATTEST:

\_\_\_\_\_  
Sarah A. Brunn, Administrator

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

ORDINANCE NUMBER 471

AN ORDINANCE AMENDING THE FOLEY CITY ORDINANCES  
CHAPTER VI, SECTION 615 WATER CHARGES AND RATES

THE COUNCIL OF THE CITY OF FOLEY HEREBY ORDAINS that the 1974 Code of Ordinances of the City of Foley CHAPTER VI, FEES, CHARGES and RATES be amended:

The existing Section 615:00 Water Charges and Rates Subd. 2 is repealed, substituting therefore the following Section 615:00 Subd. 2 to read as follows:

Section 615:00. Water Charges and Rates Established.

Subd. 2. The following monthly water rents and rates be, and the same hereby are continued as heretofore adopted, for usage of municipal water works:

- (a) Minimum for up to 2,500 gallons.....\$16.25
- (b) Excess over 2,500 gallons.....\$00.65 per 100 gallons  
or portion thereof.

Subd. 8. Effective date of water rates. The water rates described above shall take effect on January 1, 2023.

PASSED AND ADOPTED by the City Council of the City of Foley this 1<sup>st</sup> day of November, 2022.

\_\_\_\_\_  
Gerard L. Bettendorf, Mayor

ATTEST:

\_\_\_\_\_  
Sarah A. Brunn, Administrator

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

RESOLUTION 2022 - 26

A RESOLUTION ASSESSING UNPAID I/I SURCHARGES

WHEREAS, the properties identified in Exhibit A have unpaid surcharges for compliance failure of the requirements set for in City of Foley Code of Ordinances Section 610 – Sewer Rates and Charges and Section 615 Water Charges and Rates and Section 310 – Prohibiting Storm Water Disposal into The Sanitary Sewer System;

WHEREAS, notice of unpaid surcharges and invoice was provided to the owners of record for each of the properties;

WHEREAS, the City has invoiced the owners of record for each property and provided notice of the City's intent to certify the unpaid charges for services; and

WHEREAS, the invoiced charges remain unpaid for each property in Exhibit A.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Foley:

1. Unpaid charges shall be assessed against the properties identified in Exhibit A for the balance of unpaid, delinquent charges including a certification fee of \$25.
2. The entire assessment shall be included with 2022 property taxes, payable in 2023.
3. The City Administrator shall transmit a certified duplicate of this assessment resolution to the Benton County Auditor. Such assessments shall be collected and paid over in the same manner as other property taxes.

PASSED AND ADOPTED by the City Council of the City of Foley this 1st day of November 2022.

\_\_\_\_\_  
Gerard L. Bettendorf, Mayor

ATTEST:

\_\_\_\_\_  
Sarah A. Brunn, City Administrator

## INSERT LIST

### Exhibit A

\* Charge includes a \$25 administrative fee

PID NUMBER	PROPERTY ADDRESS	AMOUNT	FEE	TOTAL
130045500	640 4TH AVE N	\$1,125.00	\$25	\$1,150.00
130076700	264 BALSAM DRIVE	\$1,125.00	\$25	\$1,150.00
130045100	601 BROADWAY AVE N	\$1,125.00	\$25	\$1,150.00
130061600	262 ELM DRIVE	\$1,124.98	\$25	\$1,149.98
130061500	266 ELM DRIVE	\$150.00	\$25	\$175.00

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

RESOLUTION 2022 - 27

A RESOLUTION ASSESSING UNPAID CHARGES

WHEREAS, the properties identified have been in violation of the City of Foley Code of Ordinances Chapter XI, Section 1145:02 concerning weeds and tall grasses;

WHEREAS, the properties identified have been in violation of the City of Foley Code of Ordinances Section 805 concerning sidewalk shoveling;

WHEREAS, notice of violation was provided to the owners of record for each of the properties;

WHEREAS, in the best interest of safety and health, and in accordance with City Ordinance, each property was mowed or shoveled and cleaned after failure of the owners to do so;

WHEREAS, the City did clean up the properties identified in Exhibit A and charged such properties for services;

WHEREAS, the City has invoiced the owners of record for each property for the cleanup costs and provided notice of the City's intent to certify the unpaid charges for services; and

WHEREAS, the invoiced charges remain unpaid for each property.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Foley:

1. Unpaid charges shall be assessed against the properties identified in Exhibit A for costs of the cleanup including a certification charge of \$25.
2. The entire assessment shall be included with 2022 property taxes, payable in 2023.



3. The City Administrator shall transmit a certified duplicate of this assessment resolution to the Benton County Auditor. Such assessments shall be collected and paid over in the same manner as other property taxes.

PASSED AND ADOPTED by the City Council of the City of Foley this 1<sup>st</sup> day of November 2022.

\_\_\_\_\_  
Gerard L. Bettendorf, Mayor

ATTEST:

\_\_\_\_\_  
Sarah A. Brunn, City Administrator

## INSERT LIST

### Exhibit A

PID NUMBER	PROPERTY ADDRESS	SHOVEL/MOWING	DATES	CHARGE
130021200	310 3 <sup>rd</sup> Ave	Snow shoveling	1/13/22	\$50.00
130021200	310 3 <sup>rd</sup> Ave	Mowing	5/24/22	\$50.00
130021200	310 3 <sup>rd</sup> Ave	Mowing	6/18/22	\$55.00
130021200	310 3 <sup>rd</sup> Ave	Mowing	7/21/22	\$55.00
130021200	310 3 <sup>rd</sup> Ave	Mowing	9/6/22	\$55.00

**TOTAL w/ \$25 Admin Fee: \$290.00**



# Foley Police Department

October 25, 2022

Casey's General Store # 1813  
Attn: Douglas Beech  
P.O. Box 3001  
Ankeny, IA 50021

Dear Douglas,

On October 25, 2022, a tobacco compliance check was completed at Casey's General Store in Foley, MN. On this date, one of your employees sold a tobacco product to the minor conducting the compliance check.

This is your notice of a Public Hearing in regards to this incident. You are requested and encouraged to attend this event. The Public Hearing will be on November 1st, 2022 at 5:30pm or shortly after at the Foley City Hall Council Chambers, 251 4<sup>th</sup> Ave N, Foley, MN.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Katie McMillin  
Chief of Police  
Foley Police Department  
(320)968-0800

Cc: Foley Casey Store Manager  
Enc: Letter to Local Foley Store



 **COPY**

# Foley Police Department

October 25, 2022

Re: Tobacco Compliance Checks

Dear Tobacco Retailer,

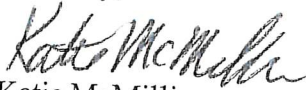
On October 25, 2022, a tobacco compliance check was completed at Casey's General Store in Foley, MN. On this date, one of your employees sold a tobacco product to the minor conducting the compliance check.

*MN State Law 461.12 Subd. 5, mandates the tobacco licensing authority to conduct unannounced compliance checks at least once each calendar year at each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold to test compliance with sections 609.685 and 609.6855.*

Unfortunately, since this is your 2<sup>nd</sup> Violation (1<sup>st</sup> Violation was 11-14-2019) within 36 months at the same location, there is a \$600.00 penalty that is imposed for the said violation. That can be paid and taken care of at Foley City Hall ( see address below).

If you have any questions, please do not hesitate to contact me.

Sincerely,



Katie McMullin  
Chief of Police  
Foley Police Department  
(320)968-0800

Cc: Foley Casey Store Manager

251 4th Ave. North Foley, MN 56329  
Office (320) 968-0800 Fax (320) 968-0801

Section 520 – Cigarette Sales

Section 520:00.      License Required.      No person, firm or corporation shall directly or indirectly upon any pretense or by any device keep for retail sale, sell, exchange or otherwise dispose of any cigarette, cigarette paper or cigarette wrappers within the corporate limits of this municipality without first having obtained a license therefor, as hereinafter provided.

Section 520:02.      Application and Issuance.      Applicants desiring a license under this section shall file with the clerk a written application therefor, on a form supplied by the clerk, stating the person or firm for whom, place and building for which it is to be issued, the kind of business conducted at such location and such other information as shall be required by the application form, and shall deposit therewith the amount of the license fee in the amount duly established by the council from time to time. Upon such filing of this application, it shall be presented to the council for its consideration, and if granted by said council, a license shall be issued by the clerk.

Section 520:04.      License Fee.      The fee for such license shall be the required license fee as duly set by the council from time to time and shall expire on the first day of July, next after its issue, and no license shall be issued for a longer term than one year, and shall be nontransferable. Provided, that a license issued for less than one year term, the fee for same shall be computed at the rate set by the council for each calendar month or fractional part of such month.

Section 520:06.      License Displayed.      Every such license shall be kept conspicuously posted about the place for which the license is issued and shall be exhibited to any person upon request.

Section 520:08.      Restrictions.      No license shall be issued except to a person of good moral character. No license shall be issued to an applicant for sale of cigarettes at any place other than his established place of business. No person, firm or corporation shall sell or give away any cigarette, cigarette paper or cigarette wrapper to any minor. No person, firm or corporation shall keep for sale, sell or dispose of any cigarette containing opium, morphine, jimson weed, bella donna, strychnia, cocaine or any other deleterious or poisonous drug except nicotine.

**Subd. 1      Compliance Required.      Compliance checks shall be done annually as regulated by Minnesota statute 461.12.**

Section 520:10.      Revocation.      Every such license may be revoked by the council for a violation of any provision of this section if the licensee has been given a reasonable notice and an opportunity to be heard.

Section 520 of the 1974 Code of Ordinances was amended by Ordinance Number 405, passed and adopted October 23, 2012.



**461.12 MUNICIPAL LICENSE OF TOBACCO, TOBACCO-RELATED DEVICES, AND SIMILAR PRODUCTS.**

Subdivision 1. **Authorization.** A town board or the governing body of a home rule charter or statutory city may license and regulate the retail sale of tobacco, tobacco-related devices, and electronic delivery devices as defined in section 609.685, subdivision 1, and nicotine and lobelia delivery products as described in section 609.6855, and establish a license fee for sales to recover the estimated cost of enforcing this chapter. The county board shall license and regulate the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia products in unorganized territory of the county except on the State Fairgrounds and in a town or a home rule charter or statutory city if the town or city does not license and regulate retail sales of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia delivery products. The State Agricultural Society shall license and regulate the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia delivery products on the State Fairgrounds. Retail establishments licensed by a town or city to sell tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia delivery products are not required to obtain a second license for the same location under the licensing ordinance of the county.

Subd. 2. **Administrative penalties for sales and furnishing; licensees.** If a licensee or employee of a licensee sells, gives, or otherwise furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of 21 years, or violates any other provision of this chapter, the licensee shall be charged an administrative penalty of \$300 for the first violation. An administrative penalty of \$600 must be imposed for a second violation at the same location within 36 months after the initial violation. For a third or any subsequent violation at the same location within 36 months after the initial violation, an administrative penalty of \$1,000 must be imposed, and the licensee's authority to sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products at that location must be suspended for not less than seven days and may be revoked. No suspension, revocation, or other penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

Subd. 3. **Administrative penalty for sales and furnishing; individuals.** An individual who sells, gives, or otherwise furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of 21 years may be charged an administrative penalty of \$50. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

Subd. 4. **Alternative penalties for use of false identification; persons under age 21.** The licensing authority shall consult with interested persons, as applicable, including but not limited to educators, parents, guardians, persons under the age of 21 years, and representatives of the court system to develop alternative penalties for persons under the age of 21 years who purchase, or attempt to purchase, tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products using a driver's license, permit, Minnesota identification card, or any other type of false identification to misrepresent the person's age, in violation of section 609.685 or 609.6855. The licensing authority and the interested persons shall consider a variety of alternative civil penalties, including, but not limited to, tobacco-free education; tobacco cessation programs; notice to schools and parents or guardians; community service; and court diversion programs. Alternative civil penalties developed under this subdivision shall not include fines or monetary penalties.

Subd. 5. **Compliance checks.** A licensing authority shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco, tobacco-related devices, electronic delivery

devices, or nicotine or lobelia delivery products are sold to test compliance with sections 609.685 and 609.6855. Compliance checks conducted under this subdivision must involve persons at least 17 years of age, but under the age of 21, who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products under the direct supervision of a law enforcement officer or an employee of the licensing authority. The age requirements for persons participating in compliance checks under this subdivision shall not affect the age requirements in federal law for persons participating in federally required compliance checks of these locations.

Subd. 6. **Defense.** It is an affirmative defense to the charge of selling tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of 21 years in violation of subdivision 2 or 3 that the licensee or individual making the sale relied in good faith upon proof of age as described in section 340A.503, subdivision 6.

Subd. 7. **Judicial review.** Any person aggrieved by a decision under subdivision 2 or 3 may have the decision reviewed in the district court in the same manner and procedure as provided in section 462.361.

Subd. 8. **Notice to commissioner.** The licensing authority under this section shall, within 30 days of the issuance of a license, inform the commissioner of revenue of the licensee's name, address, trade name, and the effective and expiration dates of the license. The commissioner of revenue must also be informed of a license renewal, transfer, cancellation, suspension, or revocation during the license period.

**History:** 1941 c 242 s 3; 1941 c 405 s 3; 1951 c 382 s 1; Ex1959 c 73 s 2; 1973 c 123 art 5 s 7; 1982 c 572 s 2; 1997 c 227 s 4; 1Sp2001 c 5 art 7 s 63; 2010 c 255 s 7; 2010 c 305 s 4-9; 2014 c 291 art 6 s 28; 2020 c 88 s 4-8

**TO:** FOLEY CITY COUNCIL  
**FROM:** SARAH BRUNN, CITY ADMINISTRATOR  
**SUBJECT:** 11-01-22 -COUNCIL MEETING  
**DATE:** OCTOBER 28, 2022

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### **Wastewater Regionalization Project – Pay Application**

Pay application # 5 will be presented for approval by Bolton & Menk. There will also be a project update at the meeting as well.

### **2022 State Candidates**

I have invited our 4 state senate and rep candidates to our meeting. If they are able to attend, I would encourage the council to discuss with them their positions on our wastewater grant funding as we need the legislature to move the bonding bill forward as soon as possible.

### **Fee Schedule**

A fee schedule is included in your packet. One rate I am not sure what the council wishes to see is the bulk water rate. The current proposed rate is \$3.00/hundred gallons and would be higher than the water and sewer rate combined – which is what those sprinkling will pay. We did do some checking with other cities and they seem to fall between the \$1.00-\$2.00/hundred. If we go with \$3.00/hundred we will likely be high compared to most cities. The council should discuss and confirm how we wish to move forward prior to adopting the fee schedule.

### **Special Assessments – I/I & Snow/Weeds**

We have provided two resolutions certifying these special assessments to the tax rolls. Any payments we received from now until the end of November will be removed from the final list. After the certification deadline, the payment must be submitted directly to Benton County.

### **Casey's Tobacco Violation**

We conducted tobacco compliance checks this week. Casey's did fail the compliance check and will need to be assessed a penalty. They have been notified by letter and personally contacted by Chief McMillin. Chief McMillin can provide more detail at the meeting. We have enclosed a copy of the letter, city code and state statute. Casey's should be allowed to speak at the meeting prior to the assessment of any penalty. The council can also discuss with the retailer what plans they have in place to prevent this from happening in the future.

### **2023 Budget**

I have relayed to you our insurance renewal numbers which were much better than we anticipated. We should have no issues incorporating this into the budget. If there are any other budgetary changes the council wishes to make, we should have that discussion at one of the November meetings. Staff will be moving ahead with prepping the final budget resolutions which will be presented on December 6<sup>th</sup>. The council will be requested to vote on the final budget following the TNT hearing on December 6<sup>th</sup>.

### **Water/Sewer Minimum Billings**

The fee schedule indicates that we will be billing minimums based on a number of units starting in January 2023. I am still working on the code for that change and will get that to you as soon as I can.



## **Elections**

Things have been very busy with elections. We have had additional poll pad training and nursing home voting conducted. This coming week we will do public accuracy testing, head judge/election administrator training, supply pickup and polling place setup. Elections require a lot of additional planning and work of both staff and the judges appointed by the council. We are very lucky to have a great group of people committed to making sure our elections run smoothly. Please make sure you thank your elections judges for their hard work and dedication! *Also, as a reminder to the council, we will be having a council meeting on November 15<sup>th</sup> to canvass election results!*

## **Library Carpet**

We have scheduled the library carpet installation following the general election. The library will start moving materials to the council chambers on November 9<sup>th</sup> with installation of the carpet starting a few days after. The entire project should be complete by November 18<sup>th</sup>.

## **Upcoming Reminders:**

**November 8<sup>th</sup>** – General Election – Polls Open 7am-8pm.

**November 14<sup>th</sup>** – Planning Commission Meeting @ 6:30pm– New Life CUP Amendment on agenda.

**November 15<sup>th</sup>** – Council Meeting @ 5:30pm– Need to canvas election results!

**December 6<sup>th</sup>** – Council Meeting – TNT Hearing @ 6pm.