

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – November 1, 2022

The Foley City Council held their regular meeting on Nov. 1, 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 Swanson, to approve the consent agenda.

Musachio stated in regards to the Oct. 4 council meeting minutes that she spoke with Debra Olson who stated she did not say she was refused placement on the agenda when she spoke at the last meeting. Musachio asked that the Oct. 4 minutes be amended.

Motion by Musachio, seconded by Brosh, to remove the Oct. 4 minutes from the consent agenda.

Motion carried, unanimous.

Consent Agenda:

- Approve payment of bills

Motion carried to approve remaining consent agenda, unanimous.

Motion by Musachio, seconded by Brosh, to amend the minutes of the Oct. 4 meeting to remove the statement where Debra Olson said the city administrator had refused to put her on the agenda.

Motion carried, unanimous.

Wastewater Regionalization Project Update

Jacob Humburg from Bolton & Menk gave an overview of the progress with the wastewater project. The work is progressing well with 7,000 feet of open cut force main having been installed. Major construction continues on the lift station near the golf course. Humburg also recommended payment of Pay Application Request #5 with the amount of \$791,255.79.

Questions and discussion followed. Brosh asked about the odor control building. Humburg explained that it would be located between Foley and St. Cloud. They were looking at some county land. The project is still on schedule and work will continue as long as the weather is good.

Motion by Swanson, seconded by Gondeck, to approve Pay Application Request #5.

Motion carried, unanimous.

2022 State Senate and Representative Candidates

Isaac Schultz, who running for the Minnesota House District 10B, and Nathan Wesenberg, who is running for the State Senate District 10, introduced themselves to the council and gave an overview of their campaigns and what they hope to achieve if elected.

Questions and discussion followed with the council asking both candidates their priorities. Both Schultz and Wesenberg stated they wanted to partner with the City of Foley and help the city with their wastewater project.

Gondeck asked each candidate their position on the wastewater project and if they would be willing to commit to voting for a bonding bill that included \$7 million dollars of PSIG grant money already awarded to the city for the wastewater project. Neither candidate would commit to voting for a bonding bill without first seeing what else might be in the bill. Wesenberg stated he wanted to help the city. Schultz stated his priorities were to the budget overall and looking at Federal dollars rather than state bonding bills.

Bettendorf stated the city needed the bonding bill passed as soon as possible. The city was originally told they would have the money by last spring. Brunn agreed stating the city has already qualified for the PSIG grant, but were waiting on the state to replenish the PSIG funds.

Gondeck pressed the candidates, asking if the city's PSIG grant is in a bonding bill or omnibus bill if they would vote for it. Wesenberg and Schultz both said they could not commit to voting for a bill without first seeing everything that is in it.

Discussion followed with several council members expressing frustration. Musachio stated that the city had secured funding prior to starting the project. Brunn added that as long as the state does not pass a bonding bill and the promised PSIG money is not replenished then the city would be forced to increase the water/sewer rates by another 127%. Swanson told the candidates to do the job and not forget their communities.

Public Hearing – Fee Schedule

At 6:03 p.m. Bettendorf suspended the regular council meeting to conduct a public hearing on the adoption of Ordinance #469 – 2023 Fee Schedule, Ordinance #470 – Sewer Rates, and Ordinance #471 – Water Rates.

Debra Olson, 600 Dewey Street, addressed the council and asked if there was a winter fee schedule (reduced water/sewer rates) for snowbirds who might leave town for 2-3 months. Brunn replied that there was not a winter fee schedule, but the city did offer a shut off for a one-time fee. It was up to the homeowner to decide which was the better option.

Gondeck read a letter given to him by Becky Berger, 237 Elm Drive, who was unable to attend the council meeting. She expressed her frustration with the city's water/sewer rates and stated that other communities she had researched (Becker, Rice, and St. Cloud) all had lower minimum water/sewer rates. She urged the council to find other financial support rather than passing the cost on to residents.

At 6:07 p.m. Bettendorf reconvened the regular council meeting.

Discussion followed regarding the proposed increase to the bulk water rate. Gondeck stated he felt the proposed \$3 per 100 gallons (an increase from \$1 per 100 gallons) was too high given that some residents also purchase bulk water. Musachio stated there needs to be balance. Brunn clarified the majority of the bulk water sales are from commercial/contractors. Discussion and questions followed.

Motion by Gondeck, seconded by Brosh, to amend the bulk water rate to \$1.50 per 100 gallons.

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

Motion by Musachio, seconded by Gondeck, to adopt Ordinances 469, 470, and 471.

Musachio asked when the council would see an ordinance to change the water/sewer rates for apartments. Brunn explained the code is still being written and will be presented to the council at the December meeting. The item in the Fee Schedule does approve the new charge.

Motion carried, unanimous.

Public Hearing – Special Assessments – I/I & Snow/Weeds

At 6:17 p.m. Bettendorf suspended the regular council meeting for the public hearing on special assessments Resolution #2022 – 26 Assess I/I Penalties and Resolution #2022 – 27 Weeds/Snow Charges.

No one spoke.

At 6:18 p.m. Bettendorf reconvened the regular city council meeting.

Motion by Musachio, seconded by Gondeck, to approve Resolutions 2022-26 and 2022-27.

Motion carried, unanimous.

Public Hearing – Casey's Tobacco Violation

At 6:19 p.m. Bettendorf suspended the regular council meeting to conduct a public hearing on Casey's General Store Tobacco violation.

Steven Van Arsdale, District Manager for Casey's General Store, gave an overview to the council regarding the corrective action taken in the store after being notified of their tobacco violation (e.g. retraining staff, talking to the new manager, policy of asking for an ID from every customer...etc...) The entire staff in all 14 district stores are being retrained.

Gondeck asked Chief McMillin for her input. McMillin stated that this is the second violation of the store within 36 months. Violations occurred in 2017, 2019, and now 2022. She also stated that the

minimum fine in this instance would be \$600 and possible revocation of their tobacco license. It is up to the council to decide if they want to revoke the store's license.

More discussion and questions followed.

Bettendorf reconvened the regular council meeting at 6:26 p.m.

Motion by Swanson, seconded by Musachio, to fine Casey's for \$600 but not revoke their tobacco license.

Motion carried, unanimous.

Mayor's Open Forum

No one spoke.

Department Reports

Chief Katie McMillin gave an overview to the council on the monthly call report. There were 394 calls in October. This was up from 366 calls in September. Violations for 30-minute parking was up. She also reminded the council that Winter Parking Enforcement is now in affect through March 31. She also shared that a lot of hours have been spent recently on fraud investigations. For example, if you are a Publishers Clearing House winner you do not have to send someone money to collect your prize. McMillin also included with her usual monthly stat report a bar graph that showed the trends over the last five years. She also reported that last Friday and on Monday she visited the schools for her annual Halloween Safety presentation for the students. 130 kids participated. Cocoa with a Cop will be held in December. She also gave an overview of the ordinance that prohibits blowing or raking leaves into the street. McMillin also shared that the department passed their Post Board Audit. She also shared that the LETG software that the department uses will need to be updated in two years. Discussion and questions followed.

City Engineer

Jarod Griffith updated the council on the industrial park project. The delineation report was approved. He also gave an overview of the Hwy 23 project. Blacktop work has started along with work on two lift stations between Broadway and 11th. On Friday, the plan is to pave from 11th to the city limits. Trail work is scheduled for next week. Discussion and questions followed.

Public Works and Fire Department

Mark Pappenfus gave an overview of projects for the council, including flushing, sweeping, and jetting of mains. The new sweeper is in operation and working well. Jetting has cleared out 4.75 miles of pipe with the new vac truck. The Hwy 23 project has also kept Public Works very busy. He plans to attend the City of St. Cloud's annual wastewater meeting to discuss rates. Discussion and questions followed.

Gondeck said he'd been asked why the compost site wasn't open seven days a week. Pappenfus said that it had been open more days due to all the work the department had been doing on site.

Administration

Sarah Brunn's report was read by Chief Katie McMillin. Budget will be finalized in December. Staff is currently prepping for the Election Day on Nov. 8. Staff will also be focusing on annual appointments

soon. Brunn would be attending the Gilmanton Township meeting later that night. Discussion and Questions followed.

Old Business

None.

New Business

None

Motion by Gondeck, seconded by Musachio, to adjourn.

Motion carried, unanimous.

Meeting adjourned at 6:39 p.m.



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