



City Council – Meeting Agenda
January 3, 2023 – 5:30 P.M. – Foley City Hall-REVISED

1. Call the meeting to order.
2. Pledge of Allegiance.
- 2a. If needed – Appoint Acting Mayor**
3. Oath of Office.
4. Approve the agenda.
5. Consent Agenda:
 - Approve minutes of December 6, 2022.
 - Adopt Resolution #2023-01 Approving Annexation of Property in Gilmanton Township.
 - Approve payment of bills.
 - Approval to start process for a part time officer
 - **Accept retirement of firefighter Larry Nadeau.**
6. Update on Wastewater Regionalization Project – Mark Pappenfus/Sarah Brunn
 - Pay Application #7 – Review and Approve
7. Advocates for Health – AED Presentation – Joel Vogel
8. 2023 Annual Appointments – Discuss and Approve.
9. Mayor’s Comments & Open Forum
10. Department Reports:
 - Police Department –Katie McMillin
 - City Engineer – Jarod Griffith
 - Update/Approval of Change Order and Additional Payment to MnDOT.
 - Discussion/Approval of Additional Engineering for Hwy 23 Project.
 - Public Works/Fire – Mark Pappenfus
 - Administration – Sarah Brunn
 - Update on Moody’s Rating Call.
11. Old Business
12. New Business
 - Adopt Resolution #2023-02 Declaring a City Council Vacancy
 - Discussion on councilmember vacancy and process to fill.
13. Adjourn

County of Benton }
State of Minnesota }



City of Foley

251 4th Avenue North P.O. Box 709
Foley, Minnesota 56329
(320) 968-7260 Fax (320) 968-6325
www.ci.foley.mn.us email contactus@ci.foley.mn.us

Oath of Office

I, *Deb Mathiowetz*

do solemnly swear that I will support the Constitution of the United States,
the Constitution of the State of Minnesota, and that I will faithfully and
impartially discharge the duties of the office of

Councilmember

of the City of Foley, County of Benton, State of Minnesota, to which I have
been elected, to the best of my knowledge and ability. So help me God.

Jack Brosh, Mayor

ATTEST:

Sarah A. Brunn, City of Foley Administrator



County of Benton }
State of Minnesota }



City of Foley

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Oath of Office

I, *Jack Brosh*

do solemnly swear that I will support the Constitution of the United States,
the Constitution of the State of Minnesota, and that I will faithfully and
impartially discharge the duties of the office of

Mayor

of the City of Foley, County of Benton, State of Minnesota, to which I have
been elected, to the best of my knowledge and ability. So help me God.

Jack Brosh, Mayor

ATTEST:

Sarah A. Brunn, City of Foley Administrator



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

The Foley City Council held their regular meeting on Dec. 6, 2022, at 5:30 p.m. at Foley City Hall.

Members Present: Mayor Gerard Bettendorf, Council Members Jeff Gondeck, Rosalie Musachio, Gary Swanson, and Jack Brosh.

Members Absent: None

*Prior to the regular city council meeting, the council conducted a closed session performance review for Sarah Brunn, the city administrator. Her performance was determined to be satisfactory.

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 Brosh, to approve the consent agenda.

Consent Agenda:

- Approve minutes of November 1, 2022.
- Approve minutes of November 15, 2022.
- Approve audit contract with Schlenner & Wenner for 2022 audit services.
- Adopt Resolution #2022-32 Investments Authorization.
- Adopt Resolution #2022-33 Federal Grants and Awards Policy.
- Approve Sister City Proclamation.
- Approve payment of bills

Musachio asked some questions regarding the Sister City Proclamation with Colstrip, Montana. Discussion followed.

Motion carried, unanimous.

Public Hearing – New Life Church Conditional Use Amendment and Site Plan Approval

At 5:33 p.m. Mayor Bettendorf recessed the regular council meeting to conduct a public hearing regarding an amendment to the Conditional Use Permit for New Life Church.

Brunn gave an overview of the amendment to the CUP. Not a lot has changed but this allows for a building expansion. The amendment removes some of the conditions that have already been satisfied.

Pastor Jim Vonwald, 931 Norman Avenue N, spoke in favor of the amendment as it would help the church to move forward in their ministry to the community.

No one else spoke.

At 5:35 p.m. the regular council meeting was reconvened.

Motion by Gondeck, seconded by Musachio, to adopt the Resolution #2022-30 approving the CUP Amendment and Site Plan.

Wastewater Regionalization Project Update

Jared Voge from Bolton & Menk gave an overview of the project to the council. The intent is to continue to install pipe until approximately Dec. 23 depending on weather. The project will take a break over the holidays. The project will resume work on lift stations in February, but pipe work would most likely not resume until spring. Work completed to date represents about 47% of the overall project with 9.8 miles of force main installed. Voge also presented Pay Application Request #6 for \$1,671,899.76 and recommended approval.

Questions and discussion followed with Voge stating the project is on schedule for completion in early fall.

Motion by Swanson, seconded by Musachio, to approve Pay Application Request #6.

Motion carried, unanimous.

Adopt Updated Water/Sewer Ordinance – Moving reference to Fee Schedule

Brunn directed the council to the information in their packets.

Motion by Swanson, seconded by Musachio, to approve Ordinances #472 Sewer Rates and #473 Water Rates.

Mayor's Comments & Open Forum

No one spoke.

Department Reports

Police Department

Chief Katie McMillin presented the stat report for November. There was a total of 367 calls for the month. To date, there were 4,087 calls for 2022. This is 361 more calls than all of 2021. Equipment violations and gas drive offs (just one incident) are up. Domestic and assaults are also up. McMillin reminded the council that the Winter Parking ordinance is in effect until March 31. Thursday is Cocoa with a Cop at the elementary school. 26 kids have pre-registered for the event. Questions and discussion followed. McMillin stated that some of the officers were interested in picking up TZD hours.

City Engineer

Jarod Griffith gave the council an update on the Hwy 23 project. It is now open to traffic since Thanksgiving. Cleanup work has been suspended for the year. We are working with Public Works on the push button pedestrian crossing signs at Broadway and the roundabout at 8th Street. The signs were originally in our application, but somehow dropped from the project. We are also working with MNDot to sort it out. We are looking into funding. They were included in our 2017 application.

Questions and discussion followed with Musachio expressing concerns regarding the safety of pedestrians crossing over Hwy 23.

Brunn stated that the design is MNDot standards. The push button pedestrian crossing signs were missed, but staff is following up on them. More questions and discussion followed. Swanson expressed concerns that the roundabout is not slowing down traffic. Griffith said that MNDot is doing a speed study through that area and was waiting until after the road was open.

Pappenfus added that the sidewalks in the roundabout are supposed to be blocked off before winter. This should be resolved in the spring with better striping and signage.

Public Works and Fire Department

Mark Pappenfus updated the council on Public Works projects. The skating rink won't be available until after Christmas. The department is working on things in the shop. The pickup that didn't sell over the summer will go to bid this Friday.

The Fire Department's Santa Parade will be held on Dec. 21. The parade will start at 6 p.m. and head south from the fire hall and then head north at 7 p.m. Candy canes were donated this year.

Administration

Brunn gave an overview to the council. Annual appointments are next month. Staff has put out communications looking for volunteers. Council training is scheduled for the second meeting in January. There is also a Joint Planning Board meeting scheduled. The subdivision of the new industrial park property will be discussed. We served notice of our intent to annex that property. This will be finalized at the next council meeting. Brunn also reminded the council of office hours and closings during the holidays.

Gondeck asked if the state representatives had reached out to staff after the election. Brunn stated she had talked with Representative Shane Mekeland. She hadn't heard from the others. They are looking at language options at the state level that we could pursue that would make the PSIG money flow more smoothly. Brunn encouraged the council to keep reaching out to our state representatives. Persistence is key. Discussion followed.

Old Business

None.

New Business

None.

Public Hearing – Truth in Taxation Hearing

At 6:03 p.m. Bettendorf recessed the regular council meeting for the Truth in Taxation hearing for the 2023 budget and tax levy.

Sarah Moulzolf, 238 Elm Drive, addressed the council stating that she felt the 12% tax increase was very high, especially when you consider the increases coming from the county and school. She said it was getting hard to live in Foley and she didn't believe residents were seeing a lot of improvement.

No one else spoke.

At 6:04 p.m. Bettendorf reconvened the regular council meeting.

Motion by Swanson, seconded by Brosh, to adopt Resolution 2022-31 Approving 2023 Tax Levy.

Motion by Gondeck, seconded by Musachio, to adjourn.

Motion carried, unanimous.

Meeting adjourned at 6:05 p.m.



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

**CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA**

RESOLUTION #2023-01

**A RESOLUTION APPROVING ANNEXATION OF LAND LOCATED IN GILMANTON
TOWNSHIP, BENTON COUNTY PER ORDERLY ANNEXATION AGREEMENT**

WHEREAS, Minnesota Statutes § 414.0325 provides a procedure for Gilmanton Township and the City of Foley to agree on a process of orderly annexation of a designated area;

WHEREAS, Gilmanton Township and the City of Foley jointly have an orderly annexation agreement which was adopted on March 19, 2021 and filed with the state;

WHEREAS, the property legally described in **Exhibit A** and shown in map of **Exhibit B** is currently owned by the City of Foley and is intended for future development of an industrial park;

WHEREAS, the City of Foley served written notice to Gilmanton Township of the requested annexation on November 15, 2022 and no comments were received back from Gilmanton Township;

WHEREAS, the annexation request meets the terms identified in the orderly annexation agreement;

NOW, THEREFORE BE IT RESOLVED, the City of Foley hereby approves this annexation and directs staff to file the change with the state;

BE IT FURTHER RESOLVED, the City of Foley will issue the tax reimbursement to Gilmanton Township per the conditions of the orderly annexation agreement.

Adopted by City Council for the City of Foley this 3rd of January, 2023.

ATTEST:

Jack M. Brosh, Mayor

Sarah A. Brunn, City Administrator

EXHIBIT A

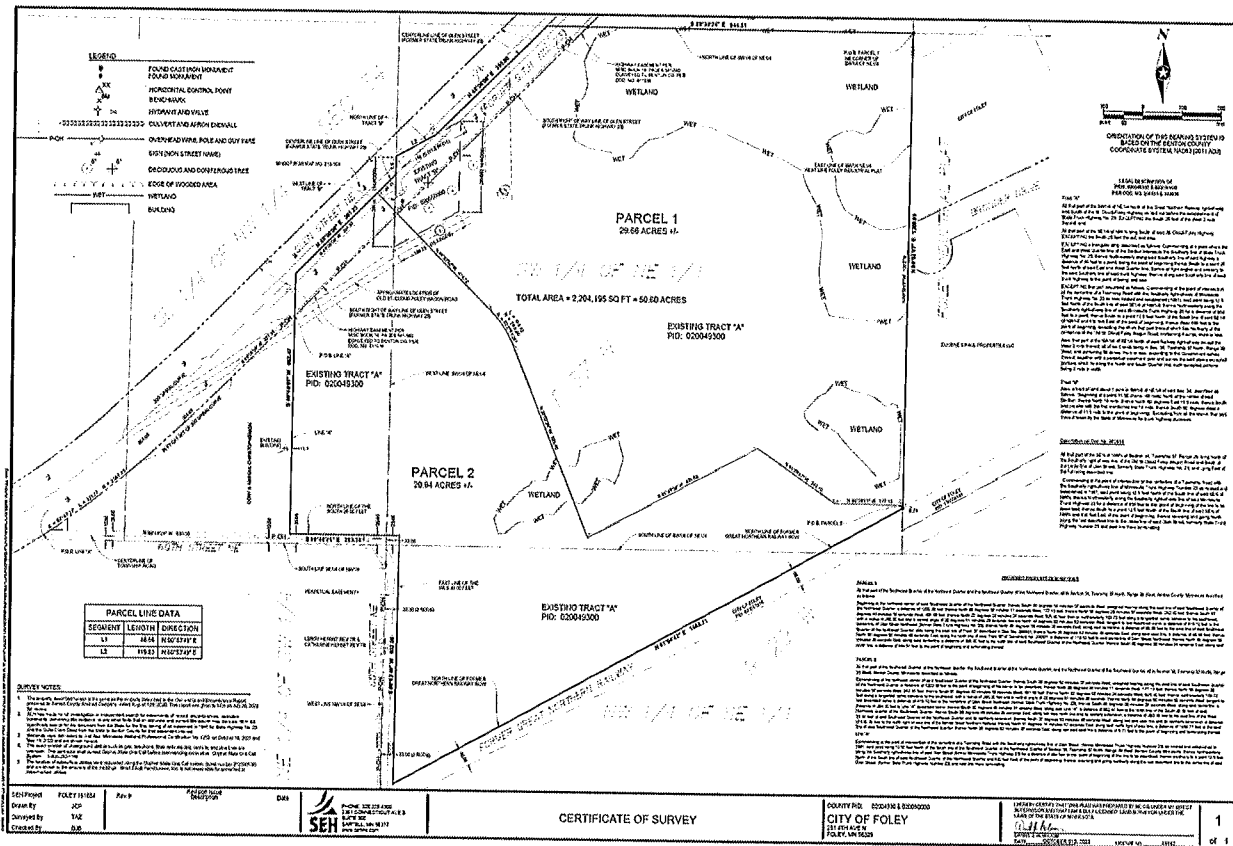
(Legal Description of Property to be Annexed)

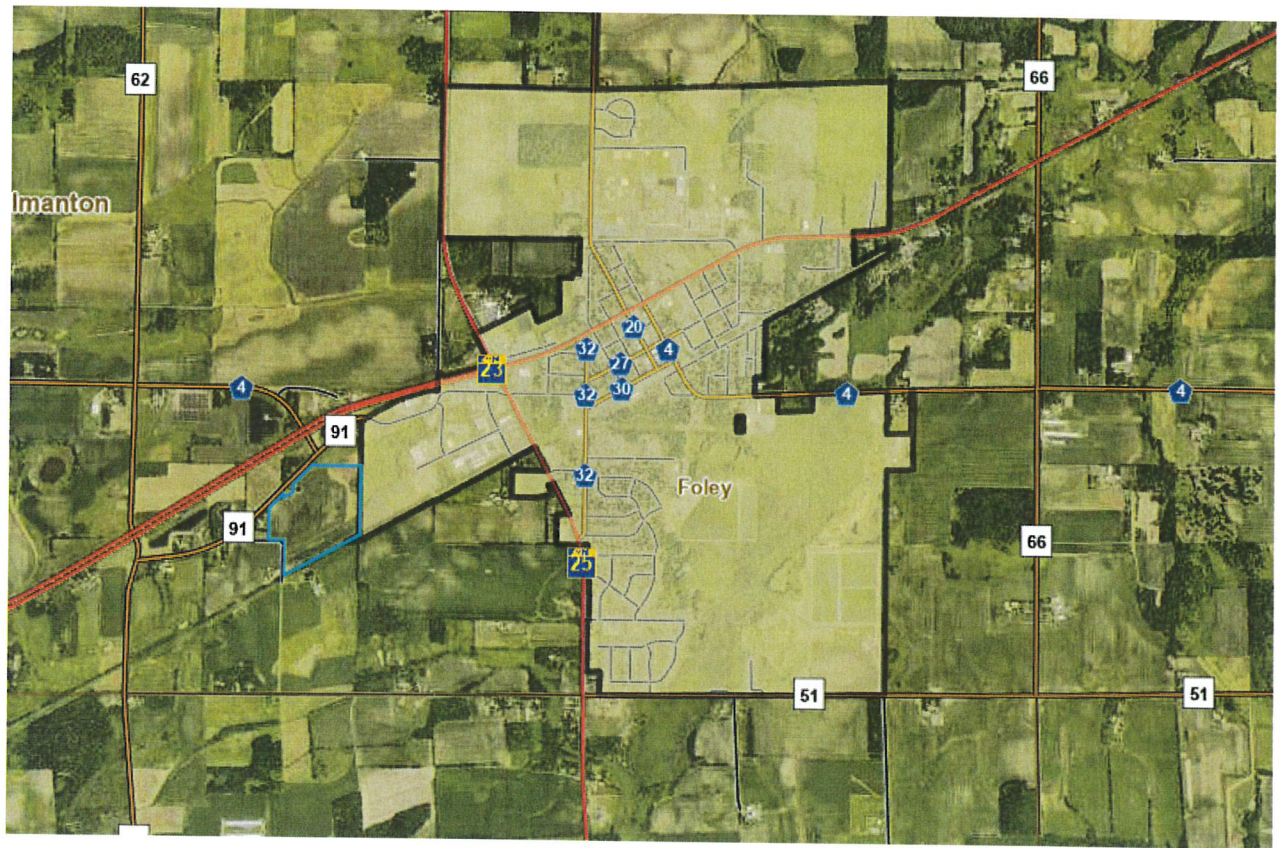
PARCEL 1

All that part of the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter, all in Section 34, Township 37 North, Range 29 West, Benton County, Minnesota described as follows:

Beginning at the northeast corner of said Southwest Quarter of the Northeast Quarter; thence South 00 degrees 52 minutes 07 seconds West, assigned bearing along the east line of said Southwest Quarter of the Northeast Quarter, a distance of 1202.39 feet; thence North 89 degrees 08 minutes 11 seconds West, 177.13 feet; thence North 55 degrees 29 minutes 57 seconds West, 242.10 feet; thence South 61 degrees 40 minutes 59 seconds West, 491.68 feet; thence North 22 degrees 02 minutes 24 seconds West, 525.40 feet; thence northwesterly 103.72 feet along a tangential curve, concave to the southwest, with a radius of 260.00 feet and a central angle of 22 degrees 51 minutes 28 seconds; thence North 44 degrees 53 minutes 52 seconds West, tangent to last described curve, a distance of 419.12 feet to the centerline of Glen Street Northeast (former State Trunk Highway No. 23); thence North 45 degrees 06 minutes 08 seconds East, along said centerline, a distance of 66.93 feet to the west line of said Southwest Quarter of the Northeast Quarter, also being the west line of Tract "B" described in Doc. No. 206531; thence North 00 degrees 53 minutes 49 seconds East, along said west line, a distance of 46.66 feet; thence North 60 degrees 53 minutes 49 seconds East, along the north line of said Tract "B" of Document No. 206531, a distance of 119.53 feet to said centerline of Glen Street Northeast; thence North 45 degrees 06 minutes 08 seconds East, along said centerline, a distance of 395.90 feet to the north line of said Southwest Quarter of the Northeast Quarter; thence South 89 degrees 39 minutes 24 seconds East, along said north line, a distance of 944.51 feet to the point of beginning and terminating thereat.

(Map of Property to be Annexed – Parcel 1 Only)







NADEAN INMAN
BENTON COUNTY AUDITOR-TREASURER
531 Dewey Street, P.O. Box 129
Foley, MN 56329-0129
Phone: 320-968-5006
treasurer@co.benton.mn.us
www.co.benton.mn.us

BILL: 973

Property ID#: R02.00493.00

Taxpayer:

TAXPAYER ID: 140370
LEROY CHARLES HERBST REV TR &
CATHERINE MARIE HERBST REV TR
4912 105TH AVE NE
FOLEY MN 56329-9576

Description:

Sect-34 Twp-037 Range-029 51.18 AC
PART OF NW1/4 SE1/4 LYING N OF GN RR ALSO PART OF SE1/4
NW1/4 & SW1/4 NE1/4 LYING S HWY 23 LESS TR
W/UNDIV 1/2 INT TO LEROY CHARLES HERBST REV TR &
10846 HWY 23 NE FOLEY MN

2021 Property Tax Statement

Step	VALUES AND CLASSIFICATION		
	Taxes Payable Year:	2020	2021
Step 1	Estimated Market Value:	143,100	143,100
	Improvements Excluded:		
	Homestead Exclusion:		
	Taxable Market Value:	143,100	143,100
	New Improvements/		
Step 2	Expired Exclusions:		
	Property Classification:	AG HMSTD	AG HMSTD
Green Acre			
Sent In March 2020			
Step 3	Proposed Tax:	\$	642.00
	Sent In November 2020		
Step 3	PROPERTY TAX STATEMENT		
	First-half Taxes:		\$323.00
	Second-half Taxes:		\$323.00
	Total Taxes Due In 2021:		\$646.00

\$\$\$

REFUNDS?

You may be eligible for one or even two refunds to reduce your property tax. Read the back of this statement to find out how to apply.

Taxes Payable Year:		2020	2021
1.	Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible.		\$ 0.00
2.	Use these amounts on Form M1PR to see if you are eligible for a special refund.	\$ 0.00	
Property Tax and Credits			
3.	Property taxes before credits.	\$ 751.02	\$ 713.24
4.	Credits that reduce your property tax		
	A. Agricultural and rural land Credits	77.02	67.24
	B. Other Credits	0.00	0.00
5.	Property taxes after credits	674.00	646.00
Property Tax by Jurisdiction			
6.	County BENTON COUNTY	\$ 417.87	\$ 395.22
7.	City or Town GILMANTON TOWNSHIP	120.51	126.54
8.	State General Tax	0.00	0.00
9.	School District 0051	77.02	55.02
	A. Voter approved levies	58.60	69.22
	B. Other local levies	0.00	0.00
	C.	0.00	0.00
	D.	0.00	0.00
10.	Special Taxing Districts	0.00	0.00
11.	Non-school voter approved referenda levies	0.00	0.00
12.	Total property tax before special assessments	\$ 674.00	\$ 646.00
Special Assessments on Your Property			
13.	Special assessments	0.00	0.00
14.	YOUR TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS	\$ 674.00	\$ 646.00

FIRST HALF DUE MAY 17 \$ 323.00
SECOND HALF DUE NOVEMBER 15 \$ 323.00

PAYABLE 2021 2nd HALF PAYMENT STUB

PLEASE READ THE BACK OF THIS STATEMENT FOR IMPORTANT INFORMATION.

TO AVOID PENALTY PAY ON OR BEFORE: NOVEMBER 15

Property ID#: R02.00493.00

Bill#: 973

Taxpayer: 140370

LEROY CHARLES HERBST REV TR &
CATHERINE MARIE HERBST REV TR
4912 105TH AVE NE
FOLEY MN 56329-9576

SECOND 1/2 TAX AMOUNT DUE: \$ 323.00

PENALTY:

TOTAL:

Make Checks Payable to:
Nadean Inman, Auditor-Treasurer
531 Dewey Street, P.O. Box 129
Foley, MN 56329-0129



DETACH HERE AND RETURN THIS STUB
WITH YOUR SECOND HALF PAYMENT.
DO NOT STAPLE



NADEAN INMAN
BENTON COUNTY AUDITOR-TREASURER
531 Dewey Street, P.O. Box 129
Foley, MN 56329-0129
Phone: 320-968-5006
treasurer@co.benton.mn.us
www.co.benton.mn.us

Bill: 981

Property ID#: R 02.00500.00

Taxpayer: 140370

LEROY CHARLES HERBST REV TR &
CATHERINE MARIE HERBST REV TR
4912 105TH AVE NE
FOLEY MN 56329-9576

Desc: Sect-34 Twp-037 Range-029 1.00 AC 1 AC TR IN SW1/4 NE1/4
W/UNDIV 1/2 INT TO LEROY CHARLES HERBST REV TR & W/UNDIV 1/2 INT
TO CATHERINE

Property
Address:

2022 Property Tax Statement

VALUES AND CLASSIFICATION			
Step 1	Taxes Payable Year:	2021	2022
	Estimated Market Value:	1,600	1,700
	Homestead Exclusion:		
	Taxable Market Value:	1,600	1,700
	New Improvements:		
	Property Classification:	RVL HMSTD	RVL HMSTD
Sent In March 2021			
Step 2	PROPOSED TAX 8.00 Sent In November 2021		
Step 3	PROPERTY TAX STATEMENT First half taxes due: 8.00 Second half taxes due: Total Taxes Due in 2022: 8.00		

\$\$\$
REFUNDS?

You may be eligible for one or even two refunds to reduce your property tax.
Read the back of this statement to find out how to apply.

Taxes Payable Year:

- Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible.
- Use these amounts on Form M1PR to see if you are eligible for a special refund.

Property Tax and Credits

- Property taxes before credits
- Credits that reduce property taxes:

A. Agricultural Market Value Credits
B. Other Credits

2021

2022

8.75
.75

8.88
.88

8.00

8.00

5.20

5.09

1.41

1.51

.62

.57

.77

.83

8.00

8.00

8.00

8.00

8.00

8.00

Property taxes after credits

Property Tax by Jurisdiction

- County BENTON COUNTY
- City or Town GILMANTON TOWNSHIP
- State General Tax
- School District 0051
- Special Taxing Districts

A. Voter Approval Levies
B. Other Local Levies

- Non-school voter approved referenda levies
- Total property tax before special assessments

Special Assessments on Your Property

- Special assessments

Int:

Principal:

1 acre
1.51 x 7 = 10.57

Total for this
amexation =
\$ 522.55

14. YOUR TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS

FIRST HALF DUE
SECOND HALF DUE

MAY 16

PAYABLE 2022 2nd HALF PAYMENT STUB

TO AVOID PENALTY PAY ON OR BEFORE:

Property ID#: R 02.00500.00

ID# 140370

TAX BILL #:

LEROY CHARLES HERBST REV TR &
CATHERINE MARIE HERBST REV TR
4912 105TH AVE NE
FOLEY MN 56329-9576

PLEASE READ THE BACK OF THIS STATEMENT FOR IMPORTANT INFORMATION.

☐ If your address has changed please check this box
and show the change on the back of this stub.



06000083

SECOND 1/2 TAX AMOUNT DUE:

PENALTY:

TOTAL:

Make Checks Payable to:
Nadean Inman, Auditor-Treasurer
531 Dewey Street, P.O. Box 129
Foley, MN 56329-0129



Payment in full was required on this property in May

DETACH HERE AND RETURN THIS STUB
WITH YOUR SECOND HALF PAYMENT.
DO NOT STAPLE



Bills List - January 2023

Gross Salaries	Payroll - 12/2/22	\$	34,473.43
EFTPS	Federal Withholding	\$	5,885.52
MN Dept of Revenue	State Withholding	\$	1,181.53
State Treas. PERA	PERA	\$	6,801.54
Nationwide	Deferred Comp	\$	1,057.59
Pacific Life Ins	Deferred Comp/Roth IRA	\$	70.00
Further	HSA Contribution	\$	1,059.79
Gross Salaries	Payroll - 12/16/22	\$	33,196.65
EFTPS	Federal Withholding	\$	5,763.32
MN Dept of Revenue	State Withholding	\$	1,153.15
State Treas. PERA	PERA	\$	6,424.88
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
Gross Salaries	Payroll - 12/30/22	\$	35,719.50
EFTPS	Federal Withholding	\$	6,775.80
MN Dept of Revenue	State Withholding	\$	1,351.16
State Treas. PERA	PERA	\$	6,433.31
Nationwide	Deferred Comp	\$	1,057.59
Pacific Life Ins	Deferred Comp/Roth IRA	\$	70.00
Further	HSA Contribution	\$	1,059.79

Already Paid 1/3/2023

Alex Air Apparatus, Inc	FD vehicle maint	\$	108.33
Axon Enterprise Inc.	PD Supplies	\$	1,853.05
Benton County Auditor-Treasurer	Election Software Maintenance	\$	917.50
Benton County Highway Department	11/22 PD Fuel	\$	1,351.41
Bill Bronder	2022 Planning Commission Member	\$	60.00
Bolton and Menk	WW Expansion	\$	66,608.18
Central McGowan	PD Medical Supplies	\$	104.13
Chamberlain Oil	Street Supplies	\$	106.75
Cintas	uniforms	\$	257.46
Coalition of Greater MN Cities	2022 CGMC Fall Conference	\$	340.00
Coborns	supplies	\$	423.43
Emergency Medical Products	FD supplies	\$	186.02
First National Bank of Omaha	12/22 CC payment	\$	402.25
Further	12/22 Employer H SA Contributions and Admin Fee	\$	380.35
Geislinger and Sons, Inc.	WW pay app # 7	\$	321,573.48
Goodin Company	City Hall Supplies	\$	208.32
Grand Champion Meats	supplies	\$	720.00
Granite Electronics	Radio Maintenance	\$	1,945.00
Hawkins	Water Supplies	\$	1,522.25
Helmin Construction	Street Maintenance Class 5 and Sand	\$	806.15
Interstate All Battery Center	PD Supplies	\$	9.00
Jeff Gondeck	2022 Planning Commission Member	\$	60.00
Jodi Garceau	2022 Christmas Light Winner	\$	100.00
Jon Brenny	2022 Planning Commission Member	\$	60.00
Locators & Supplies, Inc.	water and street supplies	\$	167.75
Marco	12/22 Copier Lease	\$	346.84
MCFOA Treasurer	2023 Membership Dues Shaw & Brunn	\$	100.00
MN Department of Revenue	11/22 Sales and Use Tax	\$	665.00
MN State Fire Chief's Assoc	FOTOS attendance	\$	520.00
Murphy Chev	PD 2021 Chev Tahoe Maintenance	\$	299.87
Noel Lewandowski	2022 Planning Commission Member	\$	60.00
Quality Meats	Supplies	\$	412.34
Rinke Noonan	Gen Legal OAA, NewLifeCUP Amend WW Project, Herbst	\$	2,842.00
RMB Environmental Laboratories, Inc	Water Testing	\$	339.77
Rosalie Musachio	2022 Planning Commission Member	\$	60.00
Shift Technology	12/22 IT Services	\$	157.15
Short Elliott Hendrickson	New Life, Winery, Pouchtec	\$	1,512.50
Staples	Office Supplies	\$	30.00
Team Lab	Water and Sewer Chemicals	\$	1,716.50
Travis or Rebecca Roach	2022 Christmas Light Winner	\$	100.00
Verizon	FD,PD,PW 12/23 Cell phone	\$	296.54
Victory Door Systems	FD maintense and repair	\$	85.00
Wex Bank	11/22 FD,PW Fuel	\$	2,633.31
Xcel Energy	12/22 Utilities	\$	8,013.87
		\$	572,413.43

To Be Paid - 1/3/2023

Benton County Historical Society	2023 Annual Contributions	\$	750.00
Benton Economic Partnership Inc	2023 Annual Membership Fee	\$	2,650.00
Coalition of Greater MN Cities	2023 Dues & 2023 voluntary for Foley	\$	5,523.00
Delta Dental	1/2023 Employee Dental Insurance	\$	1,187.30
Ehlers	General Obligation Bonds, Series 2015A	\$	74,975.00
Falcon National Bank-Bonds	2020 Bond Principle and Interest	\$	414,530.00
Foley Area Care	2023 Annual Contributions	\$	1,000.00
Foley Area Chamber of Commerce	2023 Dues	\$	200.00
Gilmanton Township	Tax amount due for Herbst on annexation	\$	522.55
Health Partners	1/23 Insur Prem	\$	17,029.29
Initiative Foundation	2023 Annual Contributions	\$	600.00
MN Department of Transportation	MN Dot 23 Project- Damages Reduction of Work	\$	54,837.20
MN State Fire Department Assoc.	2023 MSFDA Membership Dues	\$	690.00
Office of Admin Hearing	State filing Fee	\$	60.00
SunLife Assurance	Employee LTD	\$	274.75
USABLE Life	1/23 Life Insurance	\$	261.50
Volunteer Firefighters Benefir Assoc of MN	2023 Membership Dues	\$	210.00
Resource Training and Solutions	2023 Membership Renewal	\$	75.00
Northland Trust Services	2018A Bond Payment & Interest	\$	60,050.00
		\$	1,207,839.02

Additional To Be Paid - 1/3/2023

\$ 1,207,839.02

To: Chief Mark Pappenfus

From: Larry Nadeau 

Date: October 5, 2022

Re: Retirement Notice

Mark, after much contemplation, I have come to the realization, the time has come to announce my retirement. To that end, please accept this as my notice of retirement. My last day will be February 3, 2023.

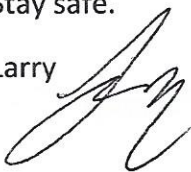
I would like to say, being a member of the Foley Fire Department has been one of the highlights of my life. I am most proud of the high training standards we have implemented and the job our people do every time they respond. I appreciate the freedom you gave me with both training and operations over the years.

Looking ahead, there will be challenges, with recruitment and retention, but we have some good people who will make great leaders and solve problems. So, I know the department is in good hands.

Thanks again to you and all our members who supported me over the years. I consider all of you friends.

Stay safe.

Larry





**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

12/27/2022

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. 7 for the above referenced project. The estimate includes work completed through December 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

Contractor's Application for Payment

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

Application No.: 7 Application Date: 12/27/2022
 Application Period: From 11/26/2022 to 12/23/2022

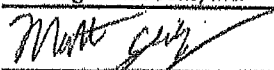
1. Original Contract Price	\$	16,548,705.51
2. Net change by Change Orders	\$	
3. Current Contract Price (Line 1 + Line 2)	\$	16,548,705.51
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$	8,768,882.81
5. Retainage		
a. <u>5%</u> X <u>\$ 8,365,656.16</u> Work Completed	\$	418,282.81
b. <u>5%</u> X <u>\$ 403,226.65</u> Stored Materials	\$	20,161.33
c. Total Retainage (Line 5.a + Line 5.b)	\$	438,444.14
6. Amount eligible to date (Line 4 - Line 5.c)	\$	8,330,438.67
7. Less previous payments	\$	8,008,865.19
8. Amount due this application	\$	321,573.48
9. Balance to finish, including retainage (Line 3 - Line 4)	\$	7,779,822.70

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:  Date: 9-27-22
 Name: Matt Geislinger Title: Project Manager

Recommended by Engineer

Approved by Owner

By: 
 Name: Jared Voge
 Title: Principal Engineer
 Date: 12/27/2022

By: _____
 Name: _____
 Title: _____
 Date: _____

Progress Estimate - Unit Price Work

Contractor's Application for Payment

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

Application No.:	7	Application Period:	From 11/26/22 to 12/23/22	Application Date:	12/27/22
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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	0.44	250,800.00	0.56	319,200.00		319,200.00	56%	250,800.00
2	CLEARING AND GRUBBING	1.70	ACRE	31,000.00	52,700.00	2.83	87,730.00	2.83	87,730.00		87,730.00	166%	(35,030.00)
3	CLEARING AND GRUBBING	27.00	TREE	1,100.00	29,700.00	28.50	31,350.00	28.50	31,350.00		31,350.00	106%	(1,650.00)
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	39.00	19,890.00	39.00	19,890.00		19,890.00	279%	(12,750.00)
6	SALVAGE AND REINSTALL PIPE CULVERT	252.00	LIN FT	20.00	5,040.00	459.00	9,180.00	479.00	9,580.00		9,580.00	190%	(4,540.00)
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	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	185.00	16,650.00	185.00	16,650.00		16,650.00	41%	23,850.00
15	BITUMINOUS PATCH - STREET	796.00	SQ YD	85.00	67,660.00	104.00	8,840.00	104.00	8,840.00		8,840.00	13%	58,820.00
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	4.00	2,100.00	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	284.00	12,780.00	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	42,499.00	4,249,900.00	47,428.00	4,742,800.00	327,632.36	5,070,432.36	72%	2,013,467.64
33	24" CASING (MIN. DIAM)	374.00	LIN FT	250.00	93,500.00	96.00	24,000.00	96.00	24,000.00		24,000.00	26%	69,500.00
34	TRENCHLESS FORCE MAIN - (MIN. I.D. 11.65 INCHES)	10,692.00	LIN FT	115.00	1,229,580.00	9,402.00	1,081,230.00	9,402.00	1,081,230.00	-	1,081,230.00	88%	148,350.00
35	TRENCHLESS FORCE MAIN & CASING-SIMULTANEOUS PULL-	1,386.00	LIN FT	250.00	346,500.00	871.00	217,750.00	871.00	217,750.00	75,594.29	293,344.29	85%	53,155.71
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	6.00	33,000.00	6.00	33,000.00		33,000.00	50%	33,000.00
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	15.75	393,750.00	18.00	450,000.00		450,000.00	43%	600,000.00
46	LOCATE EXISTING UTILITY	468.00	EACH	125.00	58,500.00	106.00	13,250.00	111.00	13,875.00		13,875.00	24%	44,625.00
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	0.85	340,000.00	0.85	340,000.00		340,000.00	85%	60,000.00

Progress Estimate - Unit Price Work

Contractor's Application for Payment

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

Application No.:	7		Application Period:	From	11/26/22		to	12/23/22		Application Date:	12/27/22			
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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) (\$)	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) (\$)
						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	0.24	144,000.00	0.24	144,000.00	-	144,000.00	24%	456,000.00		
56	ODOR CONTROL BUILDING ELECTRICAL & CONTROLS	1.00	LUMP SUM	50,000.00	50,000.00	-	-	-	-	-	-	-	50,000.00		
57	PUBLIC WORKS SCADA/ELECTRICAL & PROGRAMMING	1.00	LUMP SUM	51,000.00	51,000.00	-	-	-	-	-	-	-	51,000.00		
58	CHAIN LINK FENCE	427.00	LIN FT	50.00	21,350.00	-	-	-	-	-	-	-	21,350.00		
59	TRAFFIC CONTROL	1.00	LUMP SUM	50,000.00	50,000.00	0.44	22,000.00	0.56	28,000.00	-	28,000.00	56%	22,000.00		
60	EROSION AND SEDIMENT CONTROL	1.00	LUMP SUM	60,000.00	60,000.00	0.44	26,400.00	0.56	33,600.00	-	33,600.00	56%	26,400.00		
61	RIPRAP, CLASS III	178.00	CU YD	65.00	11,570.00	-	-	-	-	-	-	-	11,570.00		
62	SEED 25-141, FERTILIZER, HYDRAULIC MATRIX	305,376.00	SQ YD	0.50	152,688.00	123,122.50	61,561.25	148,194.30	74,097.15	-	74,097.15	49%	78,590.85		
63	SEED 25-141, FERTILIZER, EROSION CONTROL BLANKET	54,312.00	SQ YD	2.50	135,780.00	21,169.70	52,924.25	23,769.60	59,424.00	-	59,424.00	44%	76,356.00		
64	SEED 34-171	39,905.00	SQ YD	0.50	19,952.50	6,444.00	3,222.00	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	0.01	3,706.00	0.01	3,706.00	-	3,706.00	1%	396,294.00		
A.1	JACK & AUGER 24" CASING (MIN DIAM) & FORCE MAIN	490.00	LIN FT	1,200.00	588,000.00	88.31	105,972.00	88.31	105,972.00	-	105,972.00	18%	482,028.00		
Original Contract Totals					\$ 16,548,705.51		\$ 7,714,845.51		\$ 8,365,656.16	\$ 403,226.65	\$ 8,768,882.81	53%	\$ 7,779,822.70		

Stored Materials Summary
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.: 7		Application Period: From				11/26/22		to		12/23/22		Application Date: 12/27/22	
A	B	C	D	E	F	G	H	I	J	K	L	M	
Item No. (Lump Sum Tab) or Bid Item No. (Unit Price Tab)	Supplier Invoice No.	Submittal No. (with Specification Section No.)	Description of Materials or Equipment Stored	Storage Location	Application No. When Materials Placed in Storage	Materials Stored			Incorporated in Work			Materials Remaining in Storage (I-L) (\$)	
						Previous Amount Stored (\$)	Amount Stored this Period (\$)	Amount Stored to Date (G+H) (\$)	Amount Previously Incorporated in the Work (\$)	Amount Incorporated in the Work this Period (\$)	Total Amount Incorporated in the Work (J+K) (\$)		
32	Q955350	1 - 02535	Forcemain Pipe HDPE (9000 LF@\$36.5/FT)	Contractor secured site	1	328,500.00		328,500.00	328,500.00		328,500.00	-	
32	Q955352	1 - 02535	Forcemain Pipe HDPE (7200 LF@\$36.5/FT)	Contractor site	1	262,800.00		262,800.00	262,800.00		262,800.00	-	
35	Q899708	1 - 02535	Forcemain Trenchless (900 LF)	Contractor site	1	60,075.00		60,075.00	58,139.25		58,139.25	1,935.75	
32	Q700254	1 - 02535	Forcemain PVC	Contractor site	2	99,397.86		99,397.86			-	99,397.86	
35	Q700069	1 - 02535	Forcemain Trenchless - 16" FPVC	Contractor site	2	176,001.04		176,001.04	102,342.50		102,342.50	73,658.54	
32	Q700202	1 - 02535	Forcemain Pipe HDPE	Contractor site	2	352,726.88		352,726.88	352,726.88		352,726.88	-	
32	R108559	1 - 02535	Forcemain Pipe HDPE	Contractor site	2	352,726.88		352,726.88	352,726.88		352,726.88	-	
32	R100644	1 - 02535	Forcemain Pipe HDPE	Contractor site	2	211,636.13		211,636.13		46,729.13	211,636.13	-	
32	R100672	1 - 02535	Forcemain Pipe HDPE	Contractor site	2	211,636.13		211,636.13		211,636.13	211,636.13	-	
32	R096653	1 - 02535	Forcemain Pipe HDPE	Contractor site	2	141,090.75		141,090.75		53,947.00	53,947.00	87,143.75	
32	R115020	1 - 02535	Forcemain Pipe HDPE	Contractor site	2	141,090.75		141,090.75			-	141,090.75	
34	R108573	1 - 02535	Forcemain Pipe HDPE	Contractor site	2	211,636.13		211,636.13	211,636.13		211,636.13	-	
32	R320146	1 - 02535	Forcemain Components	Contractor Site	3	6,652.38		6,652.38	6,652.38		6,652.38	-	
32	R328247	1 - 02535	Forcemain Components	Contractor Site	3	2,746.37		2,746.37	2,746.37		2,746.37	-	
32	R382355	1 - 02535	Forcemain Components	Contractor Site	3	1,778.13		1,778.13	1,778.13		1,778.13	-	
32	R390082	1 - 02535	Forcemain Components	Contractor Site	3	1,717.17		1,717.17	1,717.17		1,717.17	-	
32	R392202	1 - 02535	Forcemain Components	Contractor Site	3	521.70		521.70	521.70		521.70	-	
32	R393786	1 - 02535	Forcemain Components	Contractor Site	3	1,496.55		1,496.55	1,496.55		1,496.55	-	
		33-02530	FRP Manhole	Manufactures warehouse	6	25,419.00		25,419.00			-	25,419.00	
								-			-	-	
								-			-	-	
								-			-	-	
								-			-	-	
Totals						\$ 2,589,648.85	\$ -	\$ 2,589,648.85	\$ 1,848,690.94	\$ 312,312.26	\$ 2,161,003.20	\$ 428,645.65	

7 Common Myths about Sudden Cardiac Arrest

Myth 1: SCA Is Rare



FACT:

The number of people who die from SCA every day is equivalent to the number who would die if two jet planes crashed every day and killed nearly everyone on board.

Myth 2: SCA Is The Same As A Heart Attack

FACT:

When people have heart attacks, they are awake and their hearts are beating. When people have SCA, they are not awake and their hearts are not beating.

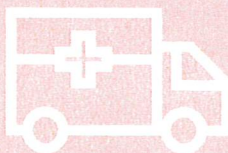
Myth 3: SCA Only Happens To The Elderly



FACT:

SCA happens to people of all ages, including 23,000 youth each year.

Myth 5: It Is Better To Wait Until Professional Help Arrives



FACT:

The victim's outcome is often determined before EMS arrives.

Myth 4: SCA Only Happens to People With A History Of Heart Problems

FACT:

SCA is often the first indication of a heart problem.



Myth 6: Only Trained Personnel Are Allowed To Use AEDs

FACT:

AEDs are lifesaving devices with visual and voice prompts that are designed for use by laypersons.

Myth 7: AEDs Can Hurt People By Shocking Them Innaproritley

FACT:

AEDs are safe and effective and will not shock the heart unless shocks are needed to restore a healthy heartbeat.



From: [Joel Vogel](#)
To: [Sarah Brunn](#)
Subject: Advocates for Health AED information
Date: Monday, December 12, 2022 2:44:16 PM
Attachments: [March 2022 Brochure-compressed.pdf](#)
[SrPerspectiveAEDArticle11x17A.pdf](#)
[7 Myths about Sudden Cardiac Arrest \(1\).pdf](#)
[Price Sheet updated 8_1_22.pdf](#)

Sarah,

Thank you letting us share information on our outdoor AED project and our non profit Advocates for Health. Listed below are the locations including the three we have installed in Foley so far. We look forward to your help in the tri-county area much has been done since 2019 and we have been selected as one of only 20 areas in the USA to be part of the 4 Minute city project with the new AED AVIVE. We have met with the three sheriff departments in Stearns, Benton and Sherburne counties who are working with us on this project.

Here is a link to several videos from Avive that you might find interesting on AVIVE and how it works.

https://www.youtube.com/watch?v=wr_Uk4OStZo

Sudden Cardiac Arrest (SCA) is the leading cause of death in the USA, with over 350,000 Americans dying every year. The only treatment for SCA is CPR & a shock from a lifesaving defibrillator (also known as an AED); combined they take the chance of survival from less than 5% to upwards of 80%.

Advocates for Health is a certified 501(c)(3) non-profit organization committed to increasing the chance of survival from SCA by placing AEDs throughout Minnesota communities. To date we have placed over 150 life-saving AEDs in publicly accessible outdoor AED smart cabinets. We have included some attachments that will help understand the importance of this organization.

Check out our web page for more information. www.advocates4health.org

We look forward to meeting with you personally and working with you.

List of current locations installed.

Location	City	State
Annandale Municipal Park	Annandale	MN
Annandale Rec Park	Annandale	MN
Eastview High School	Apple Valley	MN
Atwater Gym	Atwater	MN
Atwater Splash Pad	Atwater	MN
Avon Baseball Park	Avon	MN
Avon Beach	Avon	MN
Avon Wobegon Trailhead	Avon	MN
Ochotto Park Avon	Avon	MN
RRRevs	Avon	MN

Stratford on Avon	Avon	MN
1st National Bank of Battle Lake	Battle Lake	MN
Battle Lake Lions Park	Battle Lake	MN
Cash Wise Liquor- Baxter	Baxter	MN
Belgrade Police Dept.	Belgrade	MN
Cash Wise Liquor- Brainerd	Brainerd	MN
Brooten City Hall	Brooten	MN
Briggs Lake Association Rengel	Clear Lake	MN
Clear Lake Township	Clear Lake	MN
Dan Shirmers	Clear Lake	MN
Palmer House	Clear Lake	MN
River Oaks Neighborhood/Gary M	Clear Lake	MN
Clearwater Lions Building	Clearwater	MN
Coborn's Clearwater	Clearwater	MN
Warner Park- Clearwater	Clearwater	MN
Alexander Park Splash Pad	Cold Spring	MN
Centennial Park- Richmond	Cold Spring	MN
Cold Spring Baseball Park	Cold Spring	MN
Cold Spring Brewing Company	Cold Spring	MN
Cold Spring Elementary	Cold Spring	MN
Cold Spring Fire Hall/City Hal	Cold Spring	MN
District Education Facility	Cold Spring	MN
Joe Omann Watab Acres	Cold Spring	MN
North Point Park	Cold Spring	MN
Speedway- Cold Spring	Cold Spring	MN
Twins Edge Mobile Home Park	Cold Spring	MN
Coborn's Delano	Delano	MN
Elevate Nutrition- Eden Valley	Eden Valley	MN
Jacks in Eden Valley	Eden Valley	MN
Tunxis Mead Park-SOCCER CONCESSIONS	Farmington	CT
Tunxis Mead-BATHROOMS	Farmington	CT
Coborn's Foley	Foley	MN
Foley American Legion	Foley	MN
Goodfellas in Ronneby	Foley	MN
Jack and Jims Food	Foley	MN
Holdingford City Hall	Holdingford	MN
Holdingford High School	Holdingford	MN
Polar Tank Trailer	Holdingford	MN
Solar Unit at TRE	Holdingford	MN
WDS Construction Wm Scepaniak	Holdingford	MN
Holy Cross Catholic Church Mar	Kimball	MN
Pearl Lake- Ehlert Residence	Kimball	MN
Litchfield American Legion Mem	Litchfield	MN
Brandl Motors	Little Falls	MN
Coborn's Little Falls	Little Falls	MN
Lindbergh Lions Park	Little Falls	MN
Morning Glory Gardens	Long Beach	MN

Melrose Sauk River Park	Melrose	MN
Fionas at Talis Park FL	Naples	FL
Immaculate Conception Church	New Munich	MN
Esplanade at Artisan Lakes	Palmetto	FL
Cenex- Paynesville	Paynesville	MN
City of Paynesville City Hall	Paynesville	MN
City of Paynesville Gazebo Park	Paynesville	MN
Paynesville Baseball Park	Paynesville	MN
Paynesville Community Park	Paynesville	MN
Coborn's Princeton	Princeton	MN
A&W Richmond	Richmond	MN
Caseys-Richmond	Richmond	MN
Cherrywood Assisted Living	Richmond	MN
Richmond City/Fire Hall	Richmond	MN
Richmond Elementary School	Richmond	MN
Richmond Lift Station	Richmond	MN
Rockville Lift Station	Rockville	MN
Grand Lake Boat Ramp	Rockville	MN
Grand Lake Joe Torborg	Rockville	MN
Rockville Fire Hall	Rockville	MN
Rockville Maintenance Departme	Rockville	MN
Fourmation Sales	Rogers	MN
Rosemount High School Track	Rosemount	MN
Royalton Car Wash	Royalton	MN
Royalton High School	Royalton	MN
Blackberry Ridge Golf Course	Sartell	MN
Coborn's Sartell	Sartell	MN
Country Manor Integracare	Sartell	MN
Pine Point Road	Sartell	MN
Sartell High School	Sartell	MN
Sartell Lions Park (Sentry Bank)	Sartell	MN
Sartell Public Works	Sartell	MN
Scheels Athletic Complex	Sartell	MN
Williams Integracare	Sartell	MN
Coborn's- Sauk Centre	Sauk Centre	MN
Benton County Fairgrounds	Sauk Rapids	MN
Coborn's Sauk Rapids	Sauk Rapids	MN
Rollie's Rednecks & Long	Sauk Rapids	MN
Sauk Rapids Ampitheatre Brandl	Sauk Rapids	MN
Sauk Rapids Lions Park	Sauk Rapids	MN
Sauk Rapids Middle School Athletic	Sauk Rapids	MN
Dollar General- St. Augusta	St. Augusta	MN
Bill Carlin Residence	St. Cloud	MN
Calvary Hill Park	St. Cloud	MN
House of Pizza- St. Cloud	St. Cloud	MN
Jeff Skumautz Neighborhood	St. Cloud	MN
Jim and Kelly Arnold Pleasant	St. Cloud	MN
Lake George Pool Brandl	St. Cloud	MN

Lake George Warming House East	St. Cloud	MN
Rockville Lions Park- Pleasant	St. Cloud	MN
St. Wendlin Catholic School	St. Cloud	MN
Whitney Senior Center Baseball	St. Cloud	MN
Bad Habit Brewing St. Joseph	St. Joseph	MN
Baker St. Lift Station	St. Joseph	MN
Bee Line Marine	St. Joseph	MN
Coborn's St. Joseph	St. Joseph	MN
Community Park St. Joseph	St. Joseph	MN
Fire Hall St. Joseph	St. Joseph	MN
Government Center St. Joseph	St. Joseph	MN
Joel Vogel Residence	St. Joseph	MN
Kleinfelter Park-Mark Zimmer	St. Joseph	MN
Kraemer Lake at St. Joseph Rod and Gun	St. Joseph	MN
Millstream Park St Joseph	St. Joseph	MN
Morningside Townhomes	St. Joseph	MN
Northland Park St. Joseph	St. Joseph	MN
Pleasant Acres Jeff Ehrlichman	St. Joseph	MN
Pleasant Acres Kameron Barb	St. Joseph	MN
St. Ben's Athletic Fields	St. Joseph	MN
St. Joseph Public Works	St. Joseph	MN
Wobegan Trail City of St. Joseph	St. Joseph	MN
St. Martin (Parish Hall)	St. Martin	MN
St. Martin Arnolds	St. Martin	MN
Rusty Nail St. Stephen	St. Stephen	MN
Al Ringsmuth LIBrary Waite Park	Waite Park	MN
Community Park Waite Park	Waite Park	MN
New Public Works Building- WP	Waite Park	MN
Old Public Works Waite Park	Waite Park	MN
Rivers Edge Concession Waite P	Waite Park	MN
Rivers Edge Park Splash Pad/Re	Waite Park	MN
The Ledge Concessions	Waite Park	MN
The Ledge Emergency Services	Waite Park	MN
The Ledge Entrance	Waite Park	MN
The Ledge Fountain View	Waite Park	MN
Waite Park City Hall	Waite Park	MN
Watkins City Hall	Watkins	MN
Watkins Community Fire Hall	Watkins	MN
Western View Apartments	Watkins	MN

Advocates for Health
 Joel Vogel
 Programming Director
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Advocates for Health

LIFESAVING SOLUTIONS

A certified 501(c)(3) non-profit

350,000 Sudden Cardiac Arrest (SCA) is the leading cause of death in the US claiming an estimated **350,000** lives per year.
90% It is estimated that **95%** of victims of SCA die before they reach the hospital or other source of emergency help.
1,000 SCA kills **1,000** people per day or one person every 2 minutes.

The key mission of Advocates for Health is to provide increased access to AEDs (Automated External Defibrillator)

AED Smart Monitored Cabinet Features include:



- AED (Automated External Defibrillator)
- Smart Monitored System Mounted on Stainless Steel Cabinet
- 2 Directional Signs
- Hands Only CPR/AED Instructional Training
- AED/CPR Instructional Poster
- Vinyl Graphics
- Apple Air Tag is attached to AED for GPS tracking
- Installation/coordination with civic organizations, contractors, & municipalities
- Fundraising Guidance
- Planning, Mapping and Site Selection
- Registration AED with State/ National Registries
- Inclusion in 911 County Mapping system (if available)
- 1 Year of **AED Smart Monitoring Subscription**.
- Annual subscription to be billed annually (thereafter at \$395/year)

-Package price does not include electrical hookup, concrete pad/base and sales tax, if applicable

-Prices guaranteed for 30 days after presentation



AED



Cabinet



Directional



Training



Poster



GPS Tracking

AED Smart Monitoring

Monitoring

AED Smart Monitoring

Why do I need AED Smart Monitoring?

National statistics show 35% of AEDs have expired pads or batteries

♥ **Tracks** functionality of the AED components and sends alerts when attention is needed.

An AED in an outdoor cabinet is exposed to high/low temperatures

♥ **Monitors** temperature changes to keep the AED functional

Minutes matter during a Sudden Cardiac Arrest (SCA)

♥ **Alerts** a call center, triggers a siren and sends text messages during an emergency

The AED Smart Monitoring Annual Subscription includes:

- 24/7 365 Full-service emergency alert monitoring center

When the cabinet door is opened:

- Audible alarm triggered
- Visual red lights triggered
- Burst of photos taken



When the AED is removed from the cabinet:

- Call triggered to emergency alert monitoring center, 911 will be dispatched, if needed
 - Second burst of photos taken
 - Apple Air Tag is attached to AED and can be tracked via GPS.
- Tracking of AED Pad & Battery expirations with pre-emptive reminders for replacement
 - First year of monitoring services included in package price
 - Additional years subscriptions to be billed at \$395/year

*In an effort to save more lives from Sudden Cardiac Arrest.
Placing AEDs in outdoor Smart Cabinets is a great way
to ensure AEDs are always available day or night.*

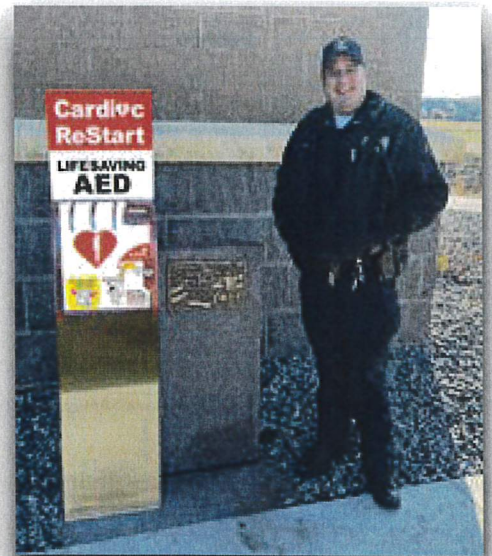
**An AED (Automated External Defibrillator)
is used to help those experiencing SCA (Sudden Cardiac Arrest)**

Cardiac ReStart
AED SMART CABINET

Distributed by: Advocates  for Health
LIFESAVING SOLUTIONS



Double sided install



**Single sided install
against a building/structure**

Smart Cabinet Specifications:

Dimensions

15" W x 69" H x 9"D

Type 304 Stainless Steel Housing Structure

Treated to withstand the elements
(heat, cold, wet, saline)

LED Illuminated 15" x 16" Panels

Provides visibility and readability at all hours

Regulated Heating and Ventilation

Ventilator fan and convector heating device work to
maintain temperature of the AED

Monitoring of AED Presence and Readiness

Alerts if AED device signals maintenance is required

Integrated Light Sensor

Illuminates the AED in dim conditions

Powered through 24V DC Converter

Hardwired in with the use of safety extra-low voltage

Rechargeable Backup battery

Powers essential functions

Daily Connectivity & Reporting

Through cellular communication and text alerts

Impact-Resistant Transparent Polycarbonate Cover

Surface treated to minimize greenhouse effects

Compatible with all leading public access AEDs

Add On Items

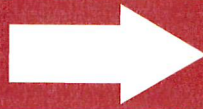
Directional Signs

\$50 each
(2 included with package)

- 18" w x 24" h
- Available with Left, Right or Straight Arrow
- Includes Mounting Hardware

**Cardio
ReStart**

**LIFESAVING
AED**



Bronze Dedication Plaque

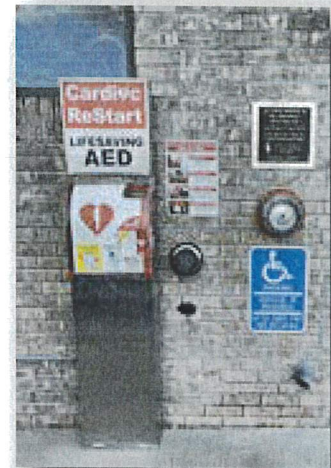
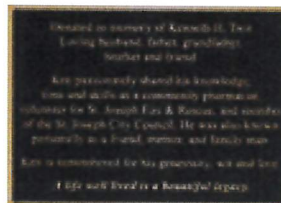
2 options

- 10" w x 7" h
 - Text Only \$290
 - Text & Image \$345

Text & Image



Text Only



Customized LED Lighted Panel

Custom panels can be labeled
to your own logo/layout.

- 1 Panel \$75 Each



855-728-7828



Email: info@advocates4health.org



www.Advocates4Health.org



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Facebook: [Advocates4health](https://www.facebook.com/Advocates4health)

“Next to creating a life the finest thing a man can do is save one.”
- Abraham Lincoln

Sr. Perspective

APRIL 2022

.com LINDBERGH

GRAB ONE • I'M FREE!

Two guys, one goal... *Save as many lives as possible*

BY BILL VOSSLER
bvossler0@outlook.com

“Are you going to be a jerk?” Joel Vogel’s wife Laurie, asked, “Or are you going to let me take you to the hospital?”

On Mother’s Day 2004, Joel and Laurie, who live in St. Joseph, were doing yard work. “I had a shovel in my hand and a cigar in my mouth and felt like throwing up. I thought I must have inhaled the cigar so I put it out on my workbench.”

After wishing a neighbor a happy Mother’s Day, they went into their garage to watch an approaching thunderstorm, and Joel got sick again. “Laurie looked at me and said, ‘What’s wrong, are you having a heart attack?’”

“What are the symptoms?” he asked.

“Left arm numb, hard time breathing and sweating.”

He had all three. “I know this isn’t right,” he said. “Take me to the hospital.”

Their daughter Kayla, home from college studying to be a surgical technician, called 911, and Joel was given an aspirin. Within 10 minutes, the St. Joseph police showed up with oxygen, followed by the rescue squad. In the ambulance Joel began to pass out. “I remember looking out the window and thinking, ‘What a nice day to die. I was not afraid. A feeling of peace came over me, and God was truly with me. I could see Laurie and Kayla following in the car behind me and a rainbow to the north. It is hard to describe this total feeling of peace, however, I know I will be with God when I die. What a blessing to have experienced this.’”

Three times on the way to the hospital Joel needed nitroglycerin under the tongue to keep him alive. He was lucky, because only 5 percent of those who have heart attacks or sudden cardiac arrest and black out actually make it.

After shaving body hairs in preparation for surgery, Joel had wanted to say goodbye to his family, but he went out again. He was rushed into the emergency room. His “widow-maker” artery was clogged 100 percent. The other four were 90, 80, 80, and 70. Six stents later, Joel’s view of life was changed forever.



Rich Feneis (left) and Joel Vogel (right) stand next to one of the AEDs installed in the St. Cloud area. The two have worked to get AEDs out to 26 central Minnesota cities and more than 100 locations in recent years. The AED is housed in a Smart Cabinet, which has made all the difference in getting AEDs out to all these locations. Contributed photo by AdvocatesforHealth.org.

Changed Life

Joel realized how lucky he had been. He knew he had to lessen the stress in his life. He quit working in the printing field and started at Eagle Trace Golf Course, running events to raise money for organizations. He volunteered at the St. Cloud Hospital in the Mended Heart program and discovered that most response times for emergencies is 8-10 minutes, and by that time, many people with cardiac issues have died. He also discovered that even though 482 life-saving AEDs (automated external defibrillator) existed in Stearns County, they were all locked inside facilities, and difficult to get at. He wondered why they were not available 24/7, and was told if they were outside, they would be stolen; or kids would take them and try to shock a drunk buddy; or they would freeze up in the winter, or overheat in the summer.

So he decided to look into that while raising money

at golf tournaments to add more AEDs in central Minnesota, so defibrillators were available to people.

Rich Feneis

Meanwhile, Joel’s friend, Rich Feneis, 70, of Sartell, decided to get involved.

“We found that Centracare Foundation had developed a grant program that allowed you to get a free AED. So I put together a compelling argument and sent it to them. I’m kind of the unofficial mayor of Pine Point Road in Sartell where I live, and Centracare said since no public buildings existed, where would I put it? I said in my heated garage, where other neighbors could get to it.”

But he got turned down.

“I’m not one of those people you easily say ‘no’ to, so I researched more information to have an AED outside accessible, and discovered the city of Centerville, Ohio, had nine AEDs outside. They’d had the same concerns about theft, freezing, overheating, and kids playing with them, but their Park Supervisor, Ken Carter, said they had Smart Cabinets for their AEDs, heated in winter and cooled in summer, and nothing had happened in the two



In this photo, Joel Vogel is showing that this Smart Cabinet holding an AED is still working at -29 below zero. Contributed photo

More AED on BACK PAGE

years the AEDs had been outside and available.”

Rich reapplied to Centracare Foundation, offering a pilot program. “Everybody likes pilot programs,” Rich said with a smile. This time they said “Yes,” for three of them in the St. Cloud area. Next were the cabinets, about \$5,500 each, money he got from neighbors.

The polar vortex of 2018-19 soon tested the Smart Cabinets with 59 below zero wind chill.

“But the cabinets dropped to 35 or 36 degrees for a week of nonstop weather like that,” said Rich. Problem solved.

Rich wanted to give back to the community, and decided adding AEDs was the way. The Centracare Foundation agreed, and Rich and Joel decided to combine on a non-profit, “because we work good together. We started Advocates for Health, a non-profit, and got matching grant money to add more AEDs starting in the city of St. Joseph.”

Where are the AEDs?

Not only were central Minnesota AEDs inside facilities, but where? Advocates for Health made sure the information got shared among Centracare, local sheriffs, and other officials.

How many were still working? Rich hired nursing student Molly Young, who checked every AED to see if the pads and batteries were good. One in five weren’t, but were brought up to speed. Nationally, Rich says, batteries going dead, or pads being outdated, hit about 35 percent.

“Even with an AED available, it might not work. Our technology checks the viability of the batteries six times a day, and lets us know if the batteries are expiring. It’s like having a guard monitoring the functionality 24/7, 365 days a year.”

Then Joel asked Geocom, a St. Cloud company that works with 911 systems, if they would map out the locations of the Stearns County AEDs so sheriff’s dispatchers would know the locations.

“They developed an overlay for free, the first county in the U.S. with the overlay, so if someone is down

with a heart attack, the 911 dispatcher can press a button and tell where the closest one is,” said Joel. “That’s big, because if we can get an AED on the scene, the 5 percent survival rate soars to 75 or 80 percent.”

“For every minute a person is out with a heart attack or sudden cardiac arrest, they lose 10 percent of their chance for survival. Most first responders take longer than 10 minutes to get there. St. Joseph’s is seven minutes to get to the fire hall before they respond, and they get over 500 calls a year, of which about 75-80 percent are medical calls.”

Different areas have different response times, depending on their size and who the first responders are.

“By state law,” Joel says, “all 550 school districts are required to have an AED readily accessible.”

Rich discovered that the standard operating procedure at many schools is to give assistant



Kaitlyn Gilk with one of the new outside AEDs at Blackberry Ridge Golf Course in Sartell. Contributed photo

coaches a key for the building, and if something happens, they can run and get it from the building.

“That’s their method for complying with state law. We think every school district should have two of these units outside, so when grandparents go to their grandkids’ athletic events, people won’t have to try to first find the person who has the key, if he or she is there, and run to the school, because most of them are still locked. It’s ridiculous when you think that if the AEDs were outside and available, they could save a life.”

How does an AED Work?

A sign by the road indicates an AED location, and when someone takes it out of the cabinet, a photo is taken of the person, and it goes to a call center that sends it to the proper authorities. A built-in SIM cell card contacts 911 rescue services using the strongest signal in the area.

The AED works only in case of an emergency. Joel said, “If you hook it up to somebody, and you push the start button, it determines if the heart needs to have a shock. So it won’t work if you try to shock someone who is passed out. If the AED is needed, a video starts, telling people how to use it.”

Rich said using an AED can become a life-changing

event. “A 40-year-old guy with a wife and three kids lives or dies. If he dies, he will miss all the things his kids do, like grow up and get married. So one event like that can change many lives.”

A man recently saved by an AED, died of other issues in the hospital a week later. Rich

says, “We attended the wake and expressed condolences that we couldn’t have saved him. One of his children said, ‘You don’t get it. We had a chance to say goodbye. Otherwise he would be dead and it would be all over.’ So it’s haunting what a difference it makes to a family to say goodbye.”

AEDs in all the central Minnesota towns are in areas familiar to everybody. Joel says they asked police, sheriffs, and city officials where AEDs in their areas would make the most sense. For example, “In St. Joseph,” Joel says, “everybody knows where the city hall is or the fire hall, so we’re putting the AEDs where people can see them and identify where they are at.”

Joel added that they’ve been to more than 20 central Minnesota towns installing AED Smart Cabinets, and speaking to different groups, “Rotary groups, Optimist Clubs, lake associations, neighborhood groups, chambers of commerce, and Lions Club, who have been phenomenal in working with these. We’d like to talk wherever they would have us. More people are seeing them and wanting them, and we’re hoping to cover the entire state of Minnesota.”

Joel said, “We have a vision. Our vision is placing AEDs in outdoor Smart Monitored cabinets while training community members on how to perform CPR and how to use an AED, we will be able to increase the odds of surviving a Sudden Cardiac Arrest from 5 percent to 75 percent.”

Rich says, “The question I have for everyone who reads this article is, ‘Do you know where the closest AED is to your house? It should be within eight minutes of you going there to get it and coming back.’”

Success Sidebar

Mapping showed that Paynesville did not have an AED. Joel said, “A sixteen-year-old Girl Scout took it on as a project. She went to Paynesville and got permission and found where the AEDs were and raised money to put five units in, and her electrician grandfather hooked them up. She got a Gold Award, the first one in Paynesville in 25 years. She was also most recently honored in San Diego as one of CPR Foundation’s 40 people under 40 years of age national award.”

Joel and Rich also received a text message recently from Cold Spring Police officer Eric Boecher. “He said he just wanted us to know that an AED saved a man’s life up in the arena in Richmond, because people knew where the AED was, and how to use it, thanks to you guys.”

Reprinted with permission from Senior Perspective



One of the many AEDs installed in central Minnesota. Contributed photo

Contact Information

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Advocates for Health

LIFESAVING SOLUTIONS

The Outdoor AED Smart Cabinet Package Includes:

Sponsorship per Cabinet is \$7,195.00

- Stainless Steel cabinet with AED Smart Monitoring system
- Defibtech Lifeline View AED
- GPS Tracking of AED
- Planning, Mapping, and Site Selection Help
- AED/CPR Instructional Poster
- AED Tracking Program for Ongoing Batteries and Pads
- AED Registration with National/State Registries
- Inclusion in County 911 Mapping if available
- 2 Directional Road Signs
- Vinyl Graphics on the front/back of the unit
- Installation of cabinet
- Hands-Only CPR/AED Group Instructional Training

*Not included is an electrical hookup with an electrician, a concrete pad/base if needed (\$225), and sales tax. (if applicable)

Additional budget item:

AED Smart Monitoring/Full Maintenance Agreement (currently \$600.00 per year)

Includes:

- Tracks functionality of the AED components and sends alerts when attention is needed via multi carrier SIM cell network and connection into emergency response center
- Monitors temperature changes to keep the AED functional
- Alerts a call center, triggers a siren, and sends text messages (on request) during an emergency
- Annual cleaning of interior and exterior of cabinet
- Maintenance of GPS tracking
- Replacement of pads according to manufacturer specifications
- Replacement of batteries according to manufacturer specifications
- 4 year full warranty labor and material replacement on all electrical components
- 4 year software and firmware updates

Boards and Committees – Current Annual Appointments

Official Newspaper: *Benton County News*

Official Process Server: *Benton County Sheriff*

Health Officer: *Integracare Clinic, Foley – Shana Nelson, NP*

Health Board Members: *Charlotte Monroe, Jeannie Rajkowski*

City Engineering Firm: *Short Elliott Hendrickson, Inc.*

City Attorney: *Rinke-Noonan*

City Building Inspector: *AllSpec Services*

City Auditor: *Schlenner & Wenner*

Benton Economic Partnership – City Administrator & **Council Representative**

Board of Equalization: Authority directed to Benton County.

Acting Mayor: *Jeff Gondeck (2022)*

Official Depository: *City Administrator - approve the depositories for City Funds (locally both Frandsen Bank & Falcon Bank)*

Approve Collateral: *City Administrator - approve the collateral for City investments*

Approve bonding of the City Administrator – annual renewal

Emergency Manager: *Foley Police Chief*

Library Board (5 Members, 3 Year Term)

2023 – 2025: Karen Eherenmann, **Council Representative**

Planning Commission (7 – 10 Members, 3-year terms, staggered)

2023: Jeff Gondeck (council representative)

2023 - 2025: Noel Lewandowski

Economic Development Authority (5 Members, 4 year term) – 2 council, 3 at large

2023-2026: Jeff Gondeck (Council Representative)

2023: **Council Representative (fill out existing term)**

Personnel Committee (2)

2023: Jeff Gondeck, **Council Representative**

Staff authorized to initiate EFT receipts/payments – Sarah Brunn, Monica Shaw, Sara Judson-Brown, Stacy Graham



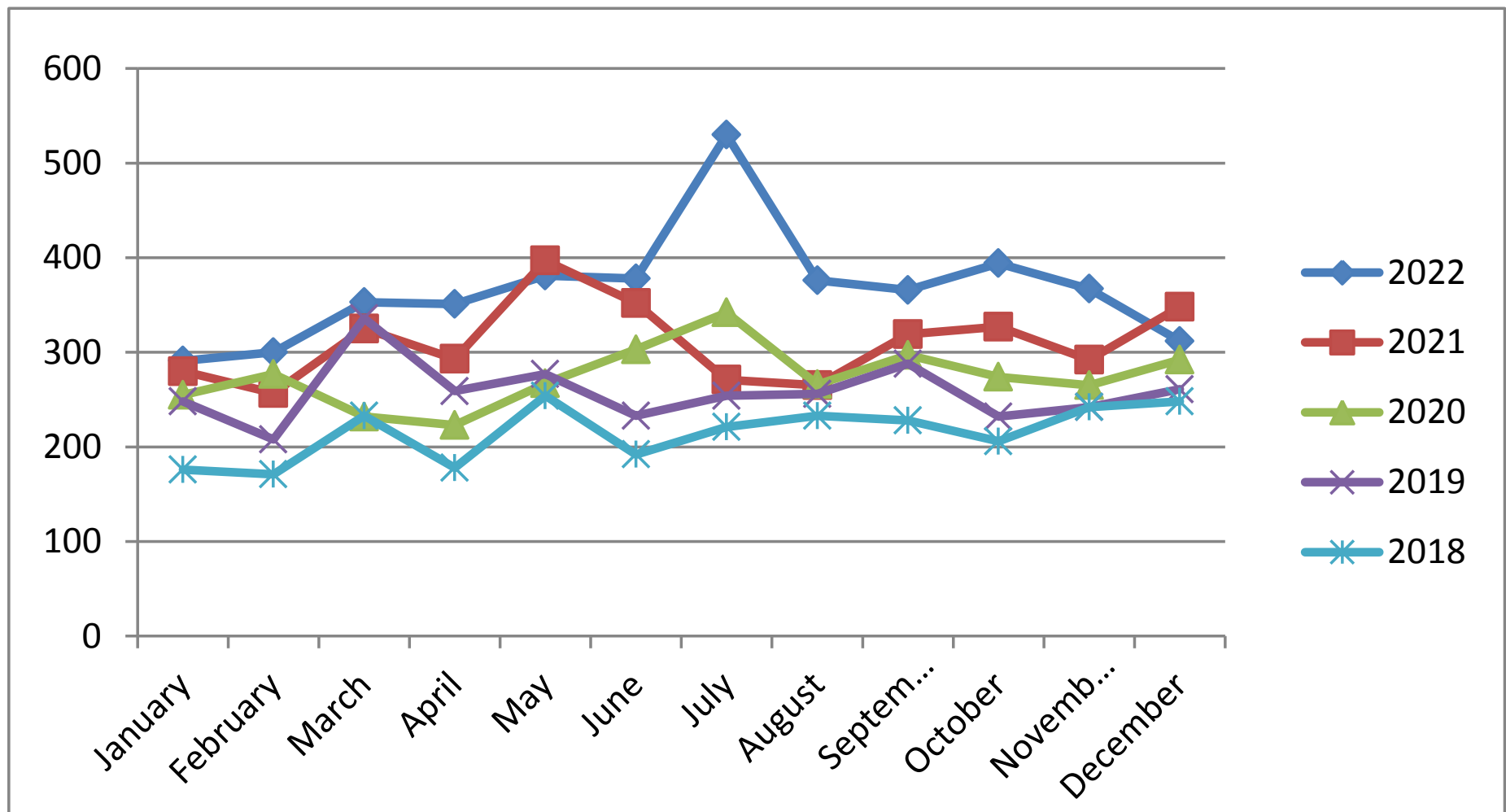
Foley Police Department

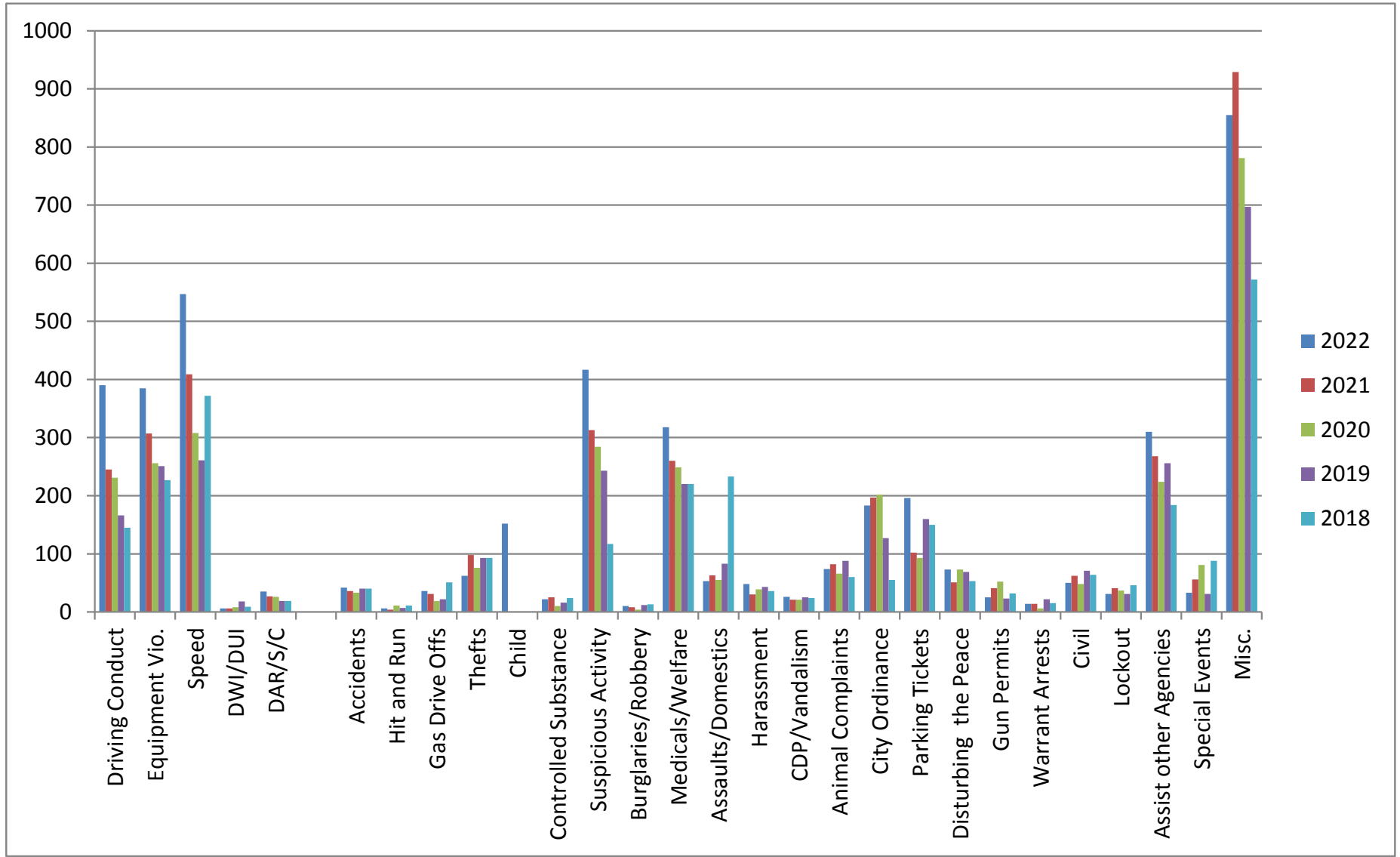
Calls for Service - 2022

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Driving Conduct	17	17	18	19	33	49	39	35	58	50	36	19	390
Equipment Vio.	44	42	55	36	25	18	20	24	20	29	34	38	385
Speed	13	16	21	51	53	59	155	62	34	44	23	16	547
DWI/DUI	0	1	1	0	1	0	1	1	0	1	0	0	6
DAR/S/C	3	1	3	2	5	2	5	2	4	2	1	5	35
# Citations Issued	*5	*4	*8	*6	*14	*17	*29	*7	*11	*6	*3	*9	*119
Accidents	2	3	3	3	2	2	4	5	2	6	4	6	42
Hit and Run	1	0	0	0	1	0	2	0	0	2	0	0	6
Gas Drive Offs	4	7	5	2	0	3	2	3	1	3	1	5	36
Thefts	8	8	3	5	3	3	6	3	3	6	7	7	62
Child	13	19	16	16	19	7	9	5	13	12	17	6	152
Controlled Substance	1	3	4	1	1	2	0	0	3	3	2	2	22
Suspicious Activity	41	21	28	36	25	47	33	43	42	32	30	39	417
Burglaries/Robbery	0	1	0	0	1	1	0	1	0	1	4	1	10
Medicals/Welfare	27	23	22	36	30	26	27	27	30	24	28	18	318
Assaults/Domestics	1	7	4	5	3	5	7	1	6	5	8	1	53
Harassment	6	4	2	6	5	4	2	4	4	5	4	2	48
CDP/Vandalism	0	3	3	0	0	6	2	1	4	2	3	2	26
Animal Complaints	2	3	4	4	12	11	6	5	6	7	9	5	74
City Ordinance	4	7	4	4	34	16	65	6	7	8	4	24	183
Parking Tickets	18	22	37	7	6	4	4	3	7	12	44	32	196
Disturbing the Peace	4	2	6	6	3	10	13	14	2	4	3	6	73
Gun Permits	4	1	3	5	1	1	0	1	3	5	0	1	25
Warrant Arrests	1	1	1	1	1	0	3	1	3	0	1	1	14
Civil	2	3	3	7	5	4	3	5	4	5	3	6	50
Lockout	5	3	0	2	3	3	3	1	6	3	0	2	31
Assist other Agencies	20	24	23	28	24	18	36	40	23	31	27	16	310
Special Events	2	1	5	5	2	2	1	2	3	7	2	1	33
Misc.	48	57	79	64	83	75	82	81	78	85	72	51	855
TZD Hours	0 Hours	0 Hours	6 Hours	12 Hours	0 Hours	4 Hours	29 Hours	0 Hours	0 hours	0 Hours	0 Hours	4 Hours	55 Hours
Total:	291	300	353	351	381	378	530	376	366	394	367	312	4399

Misc Includes: Alarms, Extra Patrols, House watches, Matter of Info, etc.

KM8801





From: Krieger, Cynthia (DOT)
To: Sarah Brunn
Cc: Pantelis, John (DOT); Abfalter, Robert (DOT); Ruranika, Malaki (DOT)
Subject: credit invoice and statement attached - Agr 1047272 City of Foley, S.P. 0504-20, Contract 220034
Date: Thursday, December 22, 2022 10:17:07 AM
Attachments: Agr 1047272 City of Foley Credit Inv "00000699736CR.pdf
Agr 1047272 City of Foley Stmt 12-22-2022.pdf
Importance: High

Good Morning,

Attached please find a copy of MnDOT credit invoice '00000699736CR for Agreement 1047272 in the amount of (\$611,331.03).

This credit is based on Mid Billing Schedule I Change Order #1 dated 10/07/2022.

In addition, I've attached a statement for the City of Foley that shows the revised current outstanding balance at \$54,837.20.

Please remit payment as soon as possible.

Thanks,

Cindy Krieger
Accounting Officer Principal
MnDOT Office of Financial Management
MS 215
cynthia.krieger@state.mn.us
651-366-3170

ONLINE PAYMENT OPTION

For your convenience, we offer an online payment option.

A service fee will apply to credit/debit card transactions.

No service fee will apply to electronic check transactions.

Please visit our payment website at:

<https://webpayments.state.mn.us/dot>

DEPARTMENT OF TRANSPORTATION T7904 001
 FEIN #: 41-6007162
 FINANCIAL OPERATIONS MS 215
 395 JOHN IRELAND BLVD
 ST PAUL, MN 55155-1800



Statement Number: 6310
 Statement Date: December 22, 2022
 Account Number: 00000434731
 Page: 1 of 2

Bill To:
 CITY OF FOLEY
 CITY ADMINISTRATOR
 251 - 4TH AVE NO
 P.O. BOX 709
 FOLEY, MN 56329

Statement Total: 54,837.20 USD

We appreciate your business. If you have questions about your account, please call 651/366-4903

Trans Date	Due Date	Item ID	Line	Entry Type	Amount Due	Item Activity	Payment	P Order Num
Account: 00000434731								
05/03/22	06/02/22	00000699736	3	Invoice	57,713.79	1,434,628.58		
05/31/22	06/02/22	00000699736	3	Payment		-1,153,526.56	053834	
12/22/22	06/02/22	00000699736	3	Offset		-223,388.23		
05/03/22	06/02/22	00000699736	4	Invoice	277,431.89	277,431.89		
05/03/22	06/02/22	00000699736	5	Invoice	43,038.86	43,038.86		
05/03/22	06/02/22	00000699736	6	Invoice	16,000.00	16,000.00		
05/03/22	06/02/22	00000699736	7	Invoice	263,432.76	263,432.76		
05/03/22	06/02/22	00000699736	8	Invoice	22,194.55	22,194.55		
05/03/22	06/02/22	00000699736	9	Invoice	21,074.62	21,074.62		
05/03/22	06/02/22	00000699736	10	Invoice	4,290.00	4,290.00		
05/03/22	06/02/22	00000699736	11	Cr Memo	-243,429.18	-243,429.18		
05/03/22	06/02/22	00000699736	12	Invoice	15,035.42	15,035.42		
05/03/22	06/02/22	00000699736	13	Cr Memo	-221,945.51	-221,945.51		
05/03/22	06/02/22	00000699736	14	Cr Memo	-200,000.00	-200,000.00		

Total for CITY OF FOLEY **54,837.20 USD**

Total For T7904 **54,837.20 USD**

Statement Total 54,837.20 USD

	Current	0 - 30	31 - 60	61 - 90	Over 90	Total
No. of Items					14	14
Amount					54,837.20	54,837.20 USD

Statement Number: 6310
Statement Date: December 22, 2022
Account Number: 00000434731
Page: 2 of 2

Bill To:

CITY OF FOLEY
CITY ADMINISTRATOR
251 - 4TH AVE NO
P.O. BOX 709
FOLEY, MN 56329

Statement Number: 6310
Statement Date: December 22, 2022
Account Number: 00000434731

Address Change? If yes, Check box.

Write correct address on back. →

☐

Please Remit To:

FINANCIAL OPERATIONS MS 215
395 JOHN IRELAND BLVD
ST. PAUL, MN 55155-1800

Statement Total: 54,837.20 USD

Amount Remitted

T7904 000004347310000 1 6310ZZZZZZZZZZZZZZZZZZZZ 6 0005483720

Printed On: December 22, 2022

Number of Envelopes: 1

Process Instance: 41171406

T7904 001
DEPARTMENT OF TRANSPORTATION
FEIN #: 41-6007162
FINANCIAL OPERATIONS MS 215
395 JOHN IRELAND BLVD
ST PAUL MN 55155-1800

m1 DEPARTMENT OF
TRANSPORTATION
CREDIT INVOICE

Customer No: 00000434731
Payment Terms: Due in 30
Due Date: January 14, 2023
Invoice: 00000699736CR
Invoice Date: December 15, 2022
From Date: To Date:
Purchase Order:
Page: 1 of 1

Bill To:
CITY OF FOLEY
CITY ADMINISTRATOR
251 - 4TH AVE NO
P.O. BOX 709
FOLEY MN 56329

AMOUNT DUE: -611,331.03

No Payment Required

For billing questions, please call 651-366-3170

Original

Line	Identifier	Description	Qty	UOM	Unit Amt	Net Amount
1		Agr 1047272 CO No. 1 T3D209	1.00	JA	-593,094.01	-593,094.01
2		Agr 1047272 CO Eng T3D209	1.00	JA	-18,237.02	-18,237.02

Coop. Constr. Agr. 1047272 - City of Foley
S.P. 0504-20 (T.H. 23=023)
S.P. 005-090-002
Fed. Proj. HSIP-TA 0522(110)
City cost for trail, lighting, and utility construction by the State on T.H. 23
Contract 220034
**

Change Order No. 1- removal of Local Utility Items
Mid Billing Schedule I dated 10/07/2022...new balance due \$54,837.20

Subtotal: -611,331.03

Amount Due: -611,331.03

Bill To:
CITY OF FOLEY
CITY ADMINISTRATOR
251 - 4TH AVE NO
P.O. BOX 709
FOLEY MN 56329

Customer No: 00000434731
Payment Terms: Due in 30
Due Date: January 14, 2023

Address Change? If yes, Check box.
Write correct address on back. →

☐

Please Remit To:
DEPARTMENT OF TRANSPORTATION
FINANCIAL OPERATIONS MS 215
395 JOHN IRELAND BLVD
ST. PAUL MN 55155-1800

Amount Due: -611,331.03

Amount Remitted

T7904 00000434731ZZZZ 0 00000699736CRZZZZZZZZ & 0-61133103

Printed On: December 22, 2022

Number of Envelopes: 1

Process Instance: 41169096

Supplemental Letter Agreement

In accordance with the Master Agreement for Professional Services between City of Foley, Minnesota ("Client"), and Short Elliott Hendrickson Inc. ("Consultant"), effective January 1, 2016, this Supplemental Letter Agreement dated August 1, 2022 authorizes and describes the scope, schedule, and payment conditions for Consultant's work on the Project described as: **2022 TH 23 Utility Improvements – Additional Construction Services**.

Client's Authorized Representative: Sarah Brunn, City Administrator
Address: PO Box 709
Foley, MN 56329-0709
Telephone: 320.968.7260 **email:** sbrunn@ci.foley.mn.us

Project Manager: Jarod Griffith
Address: 2351 Connecticut Avenue, Suite 300
Sartell, MN 56377
Telephone: 320.229.4304 **email:** jgriffith@sehinc.com

Scope: The Basic Services to be provided by Consultant:

The scope of the SEH Agreement for Construction Services for the 2022 TH 23 Utility Improvements assumed 6 weeks of construction. The current anticipated construction duration is 10 weeks. The additional construction administration and observation was not figured into the original scope.

Task 5: Additional Construction Services

- Additional part time Resident Project Representation (RPR) services.
- Additional construction administration and coordination.
- Additional weekly construction progress meetings.

Resident Project Representative Services:

RPR services will be provided in accordance with attached Exhibit B.

Payment:

The additional fee is hourly estimated to be **\$19,500.00** including expenses and equipment.

The payment method, basis, frequency, and other special conditions are set forth in attached Exhibit A-1.

Other Terms and Conditions: Other or additional terms contrary to the Master Agreement for Professional Services that apply solely to this project as specifically agreed to by signature of the Parties and set forth herein: None.

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Short Elliott Hendrickson Inc.

City of Foley, Minnesota

By: Scott D. Hedlund
Scott Hedlund
Title: Principal

By: _____
Title: _____

Exhibit A-1
to Supplemental Letter Agreement
Between City of Foley, Minnesota (Client)
and
Short Elliott Hendrickson Inc. (Consultant)
Dated August 1, 2022

Payments to Consultant for Services and Expenses
Using the Hourly Basis Option

The Agreement for Professional Services is amended and supplemented to include the following agreement of the parties:

A. Hourly Basis Option

The Client and Consultant select the hourly basis for payment for services provided by Consultant. Consultant shall be compensated monthly. Monthly charges for services shall be based on Consultant's current billing rates for applicable employees plus charges for expenses and equipment.

Consultant will provide an estimate of the costs for services in this Agreement. It is agreed that after 90% of the estimated compensation has been earned and if it appears that completion of the services cannot be accomplished within the remaining 10% of the estimated compensation, Consultant will notify the Client and confer with representatives of the Client to determine the basis for completing the work.

Compensation to Consultant based on the rates is conditioned on completion of the work within the effective period of the rates. Should the time required to complete the work be extended beyond this period, the rates shall be appropriately adjusted.

B. Expenses

The following items involve expenditures made by Consultant employees or professional consultants on behalf of the Client. Their costs are not included in the hourly charges made for services and shall be paid for as described in this Agreement but instead are reimbursable expenses required in addition to hourly charges for services:

1. Transportation and travel expenses.
2. Long distance services, dedicated data and communication services, teleconferences, Project Web sites, and extranets.
3. Lodging and meal expense connected with the Project.
4. Fees paid, in the name of the Client, for securing approval of authorities having jurisdiction over the Project.
5. Plots, Reports, plan and specification reproduction expenses.
6. Postage, handling and delivery.
7. Expense of overtime work requiring higher than regular rates, if authorized in advance by the Client.
8. Renderings, models, mock-ups, professional photography, and presentation materials requested by the Client.
9. All taxes levied on professional services and on reimbursable expenses.
10. Other special expenses required in connection with the Project.
11. The cost of special consultants or technical services as required. The cost of subconsultant services shall include actual expenditure plus 10% markup for the cost of administration and insurance.

The Client shall pay Consultant monthly for expenses.

C. Equipment Utilization

The utilization of specialized equipment, including automation equipment, is recognized as benefiting the Client. The Client, therefore, agrees to pay the cost for the use of such specialized equipment on the project. Consultant invoices to the Client will contain detailed information regarding the use of specialized equipment on the project and charges will be based on the standard rates for the equipment published by Consultant.

The Client shall pay Consultant monthly for equipment utilization.

x:\j\m\foley\158958\1-gen\10-setup-cont\03-proposal\construction services\2023 fee amendment\exhibit a1.docx

Exhibit B
to Supplemental Letter Agreement
Between City of Foley, Minnesota (Client)
and
Short Elliott Hendrickson Inc. (Consultant)
Dated August 1, 2022

**A Listing of the Duties, Responsibilities and
Limitations of Authority of the Resident Project Representative**

Through more extensive on site observations of the construction work in progress and field checks of materials and equipment by the Resident Project Representative (RPR), Consultant shall endeavor to provide further protection for Client against defects and deficiencies in the work of contractor (Work); but, the furnishing of such services will not make Consultant responsible for or give Consultant control over construction means, methods, techniques, sequences or procedures or for safety precautions or programs, or responsibility for contractor's failure to perform the Work in accordance with the Contract Documents. Contract Documents are the documents that govern or are pertinent to contractor's Work including but not limited to the agreement between Client and contractor, the contractor's bid, the bonds, specs, drawings, field orders, addenda, clarifications, interpretations, approved shop drawings and reports collectively called the Contract Documents. The duties and responsibilities of the RPR are further defined as follows:

A. General

RPR is an agent of Consultant at the site, will act as directed by and under the supervision of Consultant, and will confer with Consultant regarding RPR's actions. RPR's dealings in matters pertaining to the on site work shall in general be with Consultant and contractor keeping the Client advised as necessary. RPR's dealings with subcontractors shall only be through or with the full knowledge and approval of contractor. RPR shall generally communicate with Client with the knowledge of and under the direction of Consultant.

B. Duties and Responsibilities of RPR

1. Schedules: Review the progress schedule, schedule of shop drawing submittals and schedule of values prepared by Contractor and consult with Consultant concerning acceptability.
2. Conferences and Meetings: Attend meetings with contractor, such as preconstruction conferences, progress meetings, job conferences and other project-related meetings, and prepare and circulate copies of minutes thereof.
3. Liaison:
 - (a) Serve as Consultant's liaison with contractor, working principally through contractor's superintendent and assist in understanding the intent of the Contract Documents; and assist Consultant in serving as Client's liaison with contractor when contractor's operations affect Client's on-site operations.
 - (b) Assist in obtaining from Client additional information, when required for proper execution of the Work.
4. Shop Drawings and Samples*:
 - (a) Record date of receipt of shop drawings and samples.
 - (b) Receive samples furnished at the site by contractor, and notify Consultant of availability of samples.
 - (c) Advise Consultant and contractor of the commencement of any Work requiring a shop drawing or sample if the submittal has not been approved by Consultant.
5. Review of Work, Observations and Tests:
 - (a) Conduct on-site observations of the Work in progress to assist Consultant in determining if the Work is in general proceeding in accordance with the Contract Documents.
 - (b) Report to Consultant whenever RPR believes that any Work is unsatisfactory, faulty or defective or does not conform to the Contract Documents, or has been damaged, or does not meet the requirements of any inspection, test or approval required to be made; and advise Consultant of

- Work that RPR believes should be corrected or rejected or should be uncovered for observation, or requires special testing, inspection or approval.
- (c) Determine if tests, equipment and systems start-ups and operating and maintenance training are conducted in the presence of appropriate personnel, and that Contractor maintains adequate records thereof; and observe, record and report to Consultant appropriate details relative to the test procedures and start-ups.
 - (d) Accompany visiting inspectors representing public or other agencies having jurisdiction over the Project, record the results of these inspections and report to Consultant.
6. Interpretation of Contract Documents: Report to Consultant when clarification and interpretations of the Contract Documents are requested by contractor and transmit to contractor clarifications and interpretations as issued by Consultant.
 7. Modifications: Consider and evaluate contractor's suggestions for modifications in drawings or specifications and report with RPR's recommendations to Consultant. Transmit to contractor decisions as issued by Consultant.
 8. Records:
 - (a) Maintain at the job site orderly files for correspondence, reports of job conferences, shop drawings and samples, reproductions of original Contract Documents including all addenda, change orders, field orders, additional drawings issued subsequent to the execution of the construction contract, Consultant's clarifications and interpretations of the Contract Documents, progress reports, and other related documents.
 - (b) Keep a diary or log book, recording contractor hours on the job site, weather conditions, data relative to questions of change orders, or changed conditions, list of job site visitors, daily activities, decisions, observations in general, and specific observations in more detail as in the case of observing test procedures; and send copies to Consultant.
 - (c) Record names, addresses and telephone numbers of all contractors, subcontractors and major suppliers of materials and equipment.
 9. Reports:
 - (a) Furnish Consultant periodic reports as required of progress of the Work and of contractor's compliance with the progress schedule and schedule of shop drawing and sample submittals.
 - (b) Consult with Consultant in advance of scheduled major tests, inspections or start of important phases of the Work.
 - (c) Draft proposed change orders and Work, obtaining backup material from contractor and recommend to Consultant change orders, and field orders.
 - (d) Report immediately to Consultant and Client upon the occurrence of any accident.
 10. Payment Requests: Review applications for payment with contractor for compliance with the established procedure for their submission and forward with recommendations to Consultant, noting particularly the relationship of the payment requested to the schedule of values, Work completed and materials and equipment delivered at the site but not incorporated in the Work.
 11. Certificates, Maintenance and Operation Manuals: During the course of the Work, verify that certificates, maintenance and operation manuals and other data required to be assembled and furnished by contractor are applicable to the items actually installed and in accordance with the Contract Documents, and have this material delivered to Consultant for review and forwarding to Client prior to final payment for the Work.
 12. Completion:
 - (a) Before Consultant issues a certificate of substantial completion, submit to contractor a list of observed items requiring completion or correction.
 - (b) Conduct final inspection in the company of Consultant, Client, and contractor and prepare a final list of items to be completed or corrected.
 - (c) Observe that all items on final list have been completed or corrected and make recommendations to Consultant concerning acceptance.

C. Limitations of Authority

Resident Project Representative:

1. Shall not authorize any deviation from the Contract Documents or substitution of materials or equipment, unless authorized by Client.
2. Shall not exceed limitations of Consultant's authority as set forth in the Agreement for Professional Services.
3. Shall not undertake any of the responsibilities of contractor, subcontractors or contractor's superintendent.
4. Shall not advise on, issue directions regarding or assume control over safety precautions and programs in connection with the Work.
5. Shall not accept shop drawing or sample submittals from anyone other than contractor.
6. Shall not authorize Client to occupy the Project in whole or in part.
7. Shall not participate in specialized field or laboratory tests or inspections conducted by others except as specifically authorized by Consultant.

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Building a Better World
for All of Us®

December 27, 2022

RE: City of Foley, Minnesota
Engineering Services
SEH No. FOLEY GEN 14.00

Honorable Mayor and Council Members
c/o Sarah Brunn
City Administrator
City of Foley
251 4th Avenue North, PO Box 709
Foley, MN 56329-0709

Dear Mayor and Council Members:

Enclosed is our Proposed Hourly Rate Schedule for Engineering Services, effective January 1, 2023. The proposed rates represent an average 3.9 percent increase over the 2022 rates.

Thank you for the work, confidence, and trust you have given our firm over this last year. We sincerely appreciate the longstanding relationship we have with Foley, and hope you find the enclosed rates acceptable.

I am available to discuss the rate schedule or any other issue at your convenience. You can reach me at 218.849.0539.

Sincerely,

Jarod Griffith, PE
City Engineer
(Lic. MN)

jrg

Enclosure

c: Mark Pappenfus, City of Foley
Scott Hedlund, SEH
Karen Thull, SEH

p:\fj\foley\common\agreement\rate table\2023\2022.12.27 | city 2023 rates.docx

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 2351 Connecticut Avenue, Suite 300, Sartell, MN 56377-2485

320.229.4300 | 800.572.0617 | 888.908.8166 fax

SEH is 100% employee-owned | Affirmative Action–Equal Opportunity Employer

SHORT ELLIOTT HENDRICKSON, INC.

**St. Cloud Office
Hourly Rate Schedule for Engineering Services
City of Foley**

Effective January 1, 2023 – December 31, 2023

Senior Project Manager	\$170 - \$206
Project Manager, Senior Engineer, Senior Scientist, Senior Land Surveyor, Senior GIS Specialist....	\$131 - \$168
Project Engineer, Scientist, Land Surveyor,.....	\$100 - \$148
Staff (Graduate, Engineer, Architect, Surveyor).....	\$96 - \$120
Lead Technician, Lead Resident Project Representative	\$99 - \$148
Technician, GIS Technician, Resident Project Representative	\$80 - \$120
Survey Crew Chief	\$87 - \$128
Survey Instrument Operator.....	\$71 - \$90
Senior Administrative Assistant	\$74 - \$100
Administrative Assistant	\$66 - \$80
Intern	\$55 - \$60
Specialist.....	Variable

Reimbursable Expenses:

Printing and Postage Costs	Actual Cost
Subconsultants.....	1.1 x Actual Cost
Mileage.....	IRS Rate
Survey Vehicle and Equipment (Including Hubs, Lath, Irons, etc.)	\$ 5.00 / Hour
GPS Equipment	\$35.00 / Hour
Total Station	\$35.00 / Hour
RPR Vehicle.....	\$16.00 / Day
Regular City Council Meetings.....	No Cost



RINKE NOONAN
attorneys at law

December 19, 2022

Direct Dial: 320-257-3868
Aripple@RinkeNoonan.com

City of Foley
Attn: Sarah Brunn
251 Fourth Avenue North
P.O. Box 709
Foley, MN 56329

**Re: 2023 Legal Representation and Rates
Our File No. 00004-0621**

Dear Sarah:

Once again, we want to thank you for allowing us the opportunity to serve you. As we look to a new year, we continue to enjoy representing our municipal clients, like the City of Foley, and assisting you in providing quality service to your constituents.

As you know, our firm remains a leader in providing municipal services to Central Minnesota communities, and the services that we provide to city clients continue to grow. Our structure allows us to focus our practice and provide to you an entire department of attorneys with special expertise representing local governments, and even more specialized expertise in specific areas of municipal law, including labor and employment, wetlands and drainage, land use, economic development, eminent domain, annexations, litigation and appeals. This diversity gives each of our governmental clients the strength of an army of legal professionals.

As we look forward to serving you, I have attached our rates for Foley in 2023. While market demands have caused us to discontinue our reduced municipal rates for general government clients, we highly value our long-standing relationship with the City of Foley and will continue to offer a rate that is significantly discounted from our ordinary rate. For our most senior attorneys, this is a \$100 per hour reduction from their ordinary rate. These rates will be applied to work beginning January 1st. The City should be rest assured that Rinke Noonan provides significant oversight and mentoring of all new attorneys, and we heavily scrutinize and edit billings to ensure that the City is not 'paying to teach a new lawyer.'

We understand the financial realities of government and we remain vigilant to keep the total costs of services in line with your expectations. We have worked with Foley over the past few years to increase the ability of City staff to perform work that may have previously been done by our office and will continue to look for those opportunities. Of course, as you are well aware,

Suite 300 US Bank Plaza
1015 W. St. Germain St.
P.O. Box 1497
St. Cloud, MN 56302
320.251.6700

www.rinkenoonan.com

[4931329] 2023 Legal Representation and Rates - Foley
11/30/2021 8:49 AM

December 19, 2022

Page 2

rates represent only part of the story. Our firm does not charge for the garden variety reimbursements such as postage, copies, secretary typing time, etc.

Our success and growth have been built on strong client relationships and our focus on the total cost to our clients has been at the very foundation of those relationships. Thank you, again, for your business and confidence, and we look forward to serving you another year.

Sincerely,

/s/ Adam A. Ripple

Adam A. Ripple

AAR/mjr

Enclosure

Municipal Rate Fee Schedule 2023

Attorney 0-3 years' experience		\$220.00 per hour
Attorney 4-6 years' experience		\$280.00 per hour
Attorney 7 plus years' experience		\$395.00 per hour
Paralegal		\$200.00 per hour
Legal Tech.		\$90.00 per hour
Word Processor		No Charge

There is NO CHARGE for typist work, internal copies, faxes, long distance phone calls, or mileage. Actual out of pocket costs shall be passed through to the client.

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2023-02

A RESOLUTION DECLARING A VACANCY ON THE FOLEY CITY COUNCIL

WHEREAS, the Council finds that there is now a vacancy on the City Council due to Jack M. Brosh being elected as Mayor.

WHEREAS, there is less than two years remaining on Councilmember Brosh's term of office;

NOW, THEREFORE, the Foley City Council resolves as follows:

1. The Council hereby declares a vacancy exists on the Council.
2. The Council shall fill the vacancy in accordance with Minn. State 412.02 Subd. 2a, and pursuant to other procedures that may be established by the Council.

Passed and adopted by the Foley City Council, this 3rd day of January, 2023.

Jack M. Brosh, Mayor

Attest:

Sarah A. Brunn, City Administrator

412.02 MS 1945 [Repealed, 1949 c 119 s 110]

412.02 CITY ELECTIONS; OFFICERS, TERMS, VACANCIES, CITY EMPLOYEES.

Subdivision 1. **Officers elected.** The following officers shall be elected for the terms and in the years shown and in the cities described in the table.

Officer	Number of Years in Term	Year Elected	City Elected
Mayor	Two or four	Every two years except where four years is otherwise provided pursuant to statute	Every statutory city
Clerk	Four	Every four years in year when treasurer is not elected	Every statutory standard plan city in which there is no clerk-treasurer
Treasurer	Four	Every four years in year in which clerk is not elected	Every statutory standard plan city in which there is no clerk-treasurer
Clerk-Treasurer	Four	Every four years in year in which one council member is elected	Every statutory standard plan city where such office exists pursuant to subdivision 3
Three Council members	Four	Two every four years and one in alternative election	Every statutory standard plan city with a council of five
Four Council members	Four	Two each election	Every statutory optional plan city with a council of five
Five Council members	Four	Three every four years and two in alternative election	Every statutory standard plan city with a council of seven
Six Council members	Four	Three each election	Every statutory optional plan city with a council of seven

Subd. 1a. **City council; city employees.** Neither the mayor nor any city council member may be employed by the city. For purposes of this subdivision, "employed" refers to full-time permanent employment as defined by the city's employment policy.

Subd. 2. **Term.** Terms of elective officers shall commence on the first Monday in January following the election at which the officer is chosen. All officers chosen and qualified as such shall hold office until their successors qualify.

Subd. 2a. **Vacancy.** Except as otherwise provided in subdivision 2b, a vacancy in an office shall be filled by council appointment until an election is held as provided in this subdivision. In case of a tie vote in the council, the mayor shall make the appointment. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at or before the next regular city election and the appointed person shall

serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy and the appointed person shall serve until the qualification of a successor. The council must specify by ordinance under what circumstances it will hold a special election to fill a vacancy other than a special election held at the same time as the regular city election.

All of the provisions of the Minnesota Election Law are applicable to special elections as far as practicable.

Subd. 2b. **Inability or refusal to serve.** A vacancy in the office of mayor or council member may be declared by the council when the officeholder is unable to serve in the office or attend council meetings for a 90-day period because of illness, or because of absence from or refusal to attend council meetings for a 90-day period. If any of the preceding conditions occurs, the council may, after it has by resolution declared a vacancy to exist, fill the vacancy at a regular or special council meeting for the remainder of the unexpired term, or until the person is again able to resume duties and attend council meetings, whichever is earlier. When the person is again able to resume duties and attend council meetings, the council shall by resolution remove the temporary officeholder and restore the original officeholder.

Subd. 3. **Clerk, treasurer combined; audit standards.** (a) In cities operating under the standard plan of government the council may by ordinance adopted at least 60 days before the next regular city election combine the offices of clerk and treasurer in the office of clerk-treasurer, but such an ordinance shall not be effective until the expiration of the term of the incumbent treasurer or when an earlier vacancy occurs. After the effective date of the ordinance, the duties of the treasurer and deputy treasurer as prescribed by this chapter shall be performed by the clerk-treasurer or a duly appointed deputy. The offices of clerk and treasurer may be reestablished by ordinance.

(b) If the offices of clerk and treasurer are combined as provided by this section and the city's annual revenue for all governmental and enterprise funds combined is more than the amount in paragraph (c), the council shall provide for an annual audit of the city's financial affairs by the state auditor or a public accountant in accordance with minimum auditing procedures prescribed by the state auditor. If the offices of clerk and treasurer are combined and the city's annual revenue for all governmental and enterprise funds combined is the amount in paragraph (c), or less, the council shall provide for an audit of the city's financial affairs by the state auditor or a public accountant in accordance with minimum audit procedures prescribed by the state auditor at least once every five years, which audit shall be for a one-year period to be determined at random by the person conducting the audit.

(c) For the purposes of paragraph (b), the amount in 2004 is \$150,000, and in 2005 and after, \$150,000 adjusted for inflation using the annual implicit price deflator for state and local expenditures as published by the United States Department of Commerce.

Subd. 4. [Repealed, 1973 c 34 s 7]

Subd. 5. [Repealed, 1983 c 359 s 151]

Subd. 6. **Council increased or reduced.** The council may by ordinance adopted at least 60 days before the next regular city election submit to the voters of the city the question of whether the city council should be increased or reduced to seven or five members. The ordinance shall include a schedule of elections and

terms to accomplish the change. The proposal shall be voted on at the next city general election and, if approved by a majority of those voting on the question, go into effect in accordance with the schedule.

History: 1959 c 675 art 6 s 30; 1961 c 230 s 1; 1963 c 799 s 5; 1963 c 811 s 1; 1965 c 417 s 1-4; 1967 c 289 s 2; 1973 c 34 s 1; 1973 c 123 art 2 s 1 subd 2; art 2 s 2; 1973 c 492 s 7; 1974 c 337 s 5; 1976 c 2 s 131; 1976 c 44 s 21; 1981 c 172 s 3,4; 1983 c 359 s 62; 1986 c 444; 1989 c 30 s 1,2; 1995 c 27 s 2; 1996 c 422 s 2,3; 1999 c 75 s 2; 1999 c 132 s 43; 2004 c 281 s 2; 2010 c 206 s 2; 2021 c 31 art 3 s 27

TO: FOLEY CITY COUNCIL
FROM: SARAH BRUNN, CITY ADMINISTRATOR
SUBJECT: 01-03-23 -COUNCIL MEETING
DATE: DECEMBER 30, 2022

Annexation Resolution

An annexation resolution is included in your consent agenda. I've also included copies of the tax statements and calculation of tax reimbursement. The reimbursement will be sent as soon as the filings are complete.

Wastewater Regionalization Project

Pay application #7 is included in your packet. Staff will provide a project update but basically all work has ceased and will not continue until February or so. Pipe work will not continue until spring.

Advocates for Health - AED

We have received a request from Advocates for Health to assist with the placement of AED units in our community. Joel Vogel has indicated he will be attending the meeting and will also bring a unit to view. He can also provide some information on how he would like to partner with the City on the placement of these units.

2023 Annual Appointments

The council has been presented with a list of annual appointments. I have indicated "Council Representative" where the council needs to discuss who would be interested in filling. If there has been interest or people serving in positions prior those have been put in as placeholders. After the council fills these spots, they should collectively approve the entire list of appointments.

The engineer and attorney have also provided the council with an updated list of fees for 2023.

MnDOT Change Order & Additional Engineering

The final change order has been approved at the state and we have been billed the additional charges. I have included a copy of the email in your packet and the payment is also on your bills list.

The City Engineer has prepared an updated agreement for additional engineering costs that will be incurred with the delay in the highway project. Mr. Griffith will be available at the meeting to answer any questions on this agreement. I will ask the council to approve these additional costs as soon as possible so we are prepared for when the project resumes in the spring.

New Business – Councilmember Vacancy

With Jack Brosh assuming the role of mayor, we have created a councilmember vacancy. I've included a resolution declaring the vacancy that the council should consider. At the next meeting, this councilmember term would have less than 2 years remaining, so it would be eligible to be filled by council appointment. Any term with more than 2 years remaining must be filled by special election. Staff recommends the council discuss a process to fill the position. This could include advertising and asking for interested applicants to apply. The council could also reach out to the next highest vote

getters if there is any interest there. Either way, I would recommend we wait to make any decision until February, to ensure we are less than 2 years left in the term of the position.

Moody's Rating Call

We were selected for a credit review/potential upgrade on our city debt. Only 8% of entities in the country were determined eligible for this potential upgrade. There are no guarantees that we will receive an upgrade but staff will work through the process, the questions, analysis and interviews to see if we can't make an improvement to positively impact our credit score. It is a lot of work but if we were upgraded, this would be the second upgrade in 4 years. The last credit upgrade saved us thousands on our bond financing costs so it is worth the time for staff to spend on the process.

Updated Water/Sewer Charges – Apartment/Trailer Parks

Letters have been sent to all the property owners affected by the change in the per unit charges for water and sewer. In the letter we included estimated bills based on the old structure versus the new to help the property owners prepare the change next year.

Joint Planning Board

Councilmembers Gondeck and Swanson along with Administrator Brunn do need to attend a JPB meeting in Gilmanton Township @ 6:45pm – following the council meeting. We will be reviewing the PUD application of a proposed winery in the OAA.

New Pictures of All Councilmembers

Sara Judson-Brown would like updated pictures of all our councilmembers for our communication outlets. If you could please arrive 15 minutes prior to the start of the meeting we can get those taken before we start.

Upcoming Reminders:

January 2, 2023 – City Hall Closed – Holiday

January 3, 2023 – Council Meeting – 5:30pm

January 3, 2023 – JPB Meeting – Gilmanton Township Hall – 6:45pm

January 17, 2023 – Council Training – 5:30pm

January 25th – Legislative Action Day @ Capital – please mark your calendars and let the City Administrator know if you are attending!