

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – June 6, 2023

The Foley City Council held their regular meeting on June 6, 2023, at 5:30 p.m. at Foley City Hall.

Members Present: Mayor Jack Brosh, Councilmembers Jeff Gondeck, Deb Mathiowetz, Gary Swanson, and Brandon Voit.

The pledge of allegiance was recited.

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

Motion carried, unanimous.

Motion by Gondeck, seconded by Mathiowetz, to approve the consent agenda:

- Approve minutes of May 2, 2023.
- Approve closure of downtown streets for Foley Fun Days.
- Adopt Resolution #2023-07 Authorization to sign PSIG grant agreements.
- Accept \$1,000 Central MN EMS equipment grant (police).
- Accept resignation of Jason Norten, part-time police officer.
- Approve payment of bills.
- Officer Letter to Council – Approve Appointment of Assistant Fire Chief, Rick Herbrand and Captain Chris Harren.
- Approve School Resource Officer Agreement.

Motion carried, unanimous.

Mayor's Comments and Open Forum

Mayor Brosh addressed the audience to let them know that if they wished to speak about the proposed sprinkler ordinance that they could during the Public Hearing later in the meeting.

Dave Campbell spoke on behalf of Louisa Thompson, 230 4th Avenue N. He gave an update to the council regarding plans for Winterfest. The committee is proposing a one-day event to begin the Winterfest tradition. The proposed date and time is Dec. 7 at 6 p.m. for the tree lighting. They are in discussion with Jan's Trees about purchasing and planting a tree that could then grow with the festival. A green space near the parking lot at 4th Avenue and Main Street would be ideal. He asked the council to consider that as a possibility. The group has also been in communication with the high school about including a choral group for the tree lighting ceremony. Questions and discussion followed regarding the electricity needed for the tree. There was also discussion on fundraising and raising awareness of Winterfest.

Debra Olson, 600 Dewey Street, asked for an update on the passage of the bonding bill. She asked if Sarah Brunn, City Administrator, would talk about it more in her report. Brunn confirmed she would give an update.

Wastewater Regionalization Project

Jarod Voge from Bolton & Menk gave an overview to the council and recommended payment of Payment Estimate #9 of \$1,974,260.40 for work completed through May 26. To date, 67% of the

project is completed. The vast majority of the force main is installed. Discussion and questions followed. The final completion date of the project is dependent on when the generators and transformers arrive. Voge will keep the council informed. Crews are working east of the main lift. Restoration issues need to be addressed.

Motion by Swanson, seconded by Mathiowetz, to approve Payment Estimate #9.

Motion carried, unanimous.

Brunn added that the bonding bill signed by Governor Walz included the project money we've been waiting on. The next step is we are waiting for the PFA to receive their funds from the state. When that is in place, the city will have an agreement with the PFA for the PSIG money. Timing is critical. We anticipate this will happen in July.

Road Closure Request – Foley Fun Days Car Show – 7th Avenue – June 20

Jennifer Siemers, 69 Lone Ridge Lane, asked the council to close 7th Avenue to Dewey Street and John Street beginning at 3 p.m. for the Heavenly Hot Rod Show. The show will be held 5 p.m. – 8 p.m. on June 20.

Motion by Swanson, seconded by Gondeck, to allow the requested street closure for the Heavenly Hot Road Show on June 20.

Motion carried, unanimous.

Public Hearing – Liquor License Renewals

Mayor Brosh closed the regular council meeting at 5:44 p.m. for the Public Hearing on Liquor License Renewals. He asked if there was anyone present who wished to speak for or against the matter.

No one spoke.

At 5:45 p.m. Mayor Brosh closed the Public Hearing and reopened the regular City Council meeting.

Motion by Gondeck, seconded by Mathiowetz, to approve the Liquor License Renewals.

- On Sale Liquor: Mr. Jim's, Foley American Legion, and Stone Creek.
- Sunday On Sale Liquor: Mr. Jim's, Foley American Legion, and Stone Creek.
- Off Sale Liquor: Coborn's Liquor, Foley American Legion, and Super Spirits.
- 3.2 Off Sale – Coborn's Inc., Little Dukes
- Non-enclosed Premises On Sale Liquor: Foley American Legion, Stone Creek and Mr. Jim's.
- Temporary Liquor Licenses:
 - Foley Lion's Club –to be used for Foley Fun Days, June 19-21, 2023.
 - St. John's Church, 621 Dewey Street, to be used July 16, 2023.
 - Foley Chamber of Commerce, 329 Oak Drive, to be used for Oktoberfest on September 16, 2023.

Motion carried, unanimous.

Approve Tobacco Licenses

Brosh asked for a motion to approve the tobacco licenses.

Motion by Gondeck, seconded by Swanson, to approve the tobacco licenses.

- Brenny Oil
- Casey's Retail Co #1813
- Coborn's Liquor
- Coborn's Grocery Store
- Little Dukes
- Speedway
- Super Spirits

Motion carried, unanimous

Public Hearing – Consider Removal of Sprinkler Sewer Charges

Brosh opened the meeting up to the audience for public comments on proposed Ordinance #475 – Sewer Rates.

Kristin and Sam Peterson, 190 Gopher Avenue, addressed the council. They stated they had moved to Foley three years ago and purchased a home to start their family. Since then the water rates have doubled with the majority being sewer fees. They felt it was unfair. When they put sod in and had to water it, they realized they were still charged for sewer on their water bill. They wanted to make the council aware of the impact and asked them to change the water policy. Irrigation sprinklers and meters cost a lot and would not meet their needs. They believed that a system to average the winter vs. summer sewer charges would be fair for everyone.

Debra Olson, 600 Dewey Street, addressed the council. She stated she understood the households that didn't want to pay the sewer to water their yards. Other people have gardens and do not want to pay the sewer charge. Many residents don't even use the minimum amount of water and still have to pay the minimum water charge. Olson expressed that the city should give special discounts to residents who do not use the minimum amount of water that they are charged for or the sewer rates.

Larry Nadeau, 161 4th Avenue S, spoke in favor of a new sprinkler ordinance. He has ground sprinklers and has always worked to have a well maintained yard, but always felt the people who made the investment in their yards were getting penalized with the sewer usage fee. The proposed ordinance would go a long way to help. He hoped the council would support it moving forward. He stated he didn't have a problem paying for the fees and the meter. He saw it as a work in progress and thought the council should start somewhere and let people try it out.

Shawna Winter, 1109 Golf Court, stated she agreed with a lot of the previous comments. She told the council she moved to the area six years ago and invested in a sprinkler system, but she's not sure she can afford to use it. She felt the proposed ordinance was a step in the right direction.

Adriana Brenny, 621 Norman Avenue N, stated she is for reducing the sewer fees, but did not like the proposed sprinkler ordinance. She works for Waite Park and said the city doesn't allow for separate sprinkler meters, but they do have winter rates that locks in the sewer averages during the summer months. Waite Park bills quarterly. She thought a system of winter rates would be a more viable option for the residents of Foley.

Brosh recognized Sarah Brunn, City Administrator, who had shared as an example of another sewer ordinance from the City of Royalton.

Brunn explained that Monica Shaw, Accounting Technician and Deputy Clerk, had talked with the City of Royalton about their system. The city requires residents to sign up prior to the summer months which locks the sewer rate in throughout the watering season. Under this system, if the resident didn't do a lot of watering it would make more sense to stick with the regular rate. Royalton has had good luck with the program, but they are a smaller city with higher minimum gallons. Foley rates would be higher. Brunn asked for feedback from the council to see if this would be an idea they would like staff to pursue. Discussion and questions followed.

Swanson stated that the choice would be a meter or an estimate. Residents may not save any money. A meter may not work for everyone. He would prefer the estimated with the minimum water use still intact.

Mathiowetz stated she liked the Royalton method better than a separate meter.

Brunn shared that when she worked for the City of Becker they used winter rates. She stated she did not know what the impact winter rates would have on revenue. It will most likely drive an overall increase to the rates. The overall system has to generate so much money to stay on budget. It might be better to not make changes right now.

Discussion and questions followed with Brunn stating that she couldn't offer the council specific details on the impact on revenues at this time. The wastewater project still isn't complete. Until the city connects to the system, there are still a lot of uncertainties.

Adrianna Brenny returned to the podium to encourage the council to not use the Royalton method because she thought it would hurt sewer funds more. The average they use is per household and not by number of members within the household. She didn't think that would be the best method.

Gondeck stated he didn't feel having a separate meter for an in-ground sprinkler system is fair to everyone. He thought everyone should be able to enjoy their homes, but believed the city needed to find a happy medium. Royalton's method is an idea. Waite Park might have a better idea. The council needs to figure out what works for Foley. He also stated he didn't want to penalize residents any more. He agreed it was not the right time, but felt the council needed to get the ball rolling. A flat rate for the sewer might be the way to go.

Discussion and questions followed.

Brunn stated that a winter rates system would be across the board and not require the residents to sign up.

Voit agreed that averaging winter sewer rates to be locked in over the summer months seemed to be the most logical and fair, but that the city still didn't know the financial impact.

Mark Pappenfus, Director of Public Works, expressed concern that the highest tax payers (industrial users) would be penalized. Overall, he was open to the idea of winter rates. The City of Sauk Rapids has winter rates. By offering winter rates, it might encourage people to use water. Water usage was down 3.6 million gallons last year and that can have an impact on revenues too.

Jonathan Brenny, 621 Norman Avenue N, addressed the council stating he liked the winter rates idea. People shouldn't be penalized for taking care of their yards. The cost of watering could have a negative effect on developers looking to build houses in Foley.

Discussion and questions followed.

Brunn stated that winter rates would be included in the fee schedule. It would require a Public Hearing and adoption by ordinance. Staff is working to transition to the new software system. The city is committed to raising enough revenue or else we're in violation of the loan agreement. Staff could work toward implementation after the first of the year. Summer is the busiest time of year for staff and it would take a few months to get things put in place.

Ashley Bukowski, City Attorney, said her concern from a legal perspective on the proposed sprinkler ordinance is that it doesn't treat all the users the same and it could open the city up to claims.

Discussion followed with many of the residents who had previously spoken from the podium expressing support for a Jan. 1, 2024, implementation of a new sewer ordinance. Others expressed frustration at the delay.

Brosh closed the Public Hearing and reopened the regular city council meeting.

Gondeck asked staff to come up with a winter sewer rate that could be charged all year long. The water bill would be charged according to usage.

Brunn said she would check into what the new software could do. She also stated that the implementation of a winter rate is a significant change and if implemented city wide there will have to be some adjustments to the bottom line.

Brosh asked for numbers to be presented at the July meeting and the council would move forward with the discussion from there.

Department Reports

Police Department

Chief Katie McMillin gave an overview to the council. The department responded to 425 calls in May. Officers participated in TZD hours for seatbelt enforcement. People speeding into town is up, increased calls at the school, medicals, and vandalism at the park is up. The department also assisted with tobacco and liquor license background checks. Bike rodeo is June 17. She asked for two councilmembers to draw prizes at the event. Currently, there are 75 kids pre-registered. The department has received a lot of great support from local businesses and organizations. There will be 30 bikes to give away. Councilmembers Gondeck and Voit volunteered to help with drawing prizes.

City Engineer

Jared Griffith gave an update on the Hwy 23 project. The project is moving forward. There is still ditch cleanup needed inside city limits. There's been good progress on the box culvert. Crews are planning to pour concrete this week and pave the trail next week.

Public Works and Fire Department

Mark Pappenfus updated the council. It is the department's busiest time of year. The pool should be

ready to open tomorrow (June 7). There were no major expenses to the pool this year. The department hired three summer kids to help for the season – one is full time, the other two are part time. The 13th Avenue bridge was on private property. With the new trail coming in, it's no longer needed. He asked the council if Public Works could get rid of the bridge. Discussion and questions.

The council agreed to sell or get rid of the bridge. The new bridge will be paved next week. There were no updates from the Fire Department.

Administrator

Brunn addressed the council and asked for permission to utilize city funds for a city employee appreciation picnic at Holdridge Park for the staff. Council agreed.

The pool opens tomorrow (June 7). A large staff has been hired which is great. There was a shortage of teachers but a class is being run to certify more teachers so we'll have enough for our swimming lessons. Staff has also installed a donation box for people to donate to the pool fund if they wish. Brunn also reminded the council that there is a council meeting on June 20 for the audit report. The auditors needed more time to prepare the report.

Discussion and questions. Brosh asked about plans for Juneteenth on June 19. Brunn explained that City Hall will be open to assist with Foley Fun Days, but would be unable to conduct any official city business.

Ashley Bukowski addressed the council regarding the assessment discussion with the school district over the city pipe relocation with the Hwy 23 project. It is possible for the city to assessment the school district for the cost. It could be done through the traditional assessment process or an assessment agreement which has been discussed previously.

Brunn explained that the concern is that some of the school board members do not feel they are responsible for this cost. They are also in legal discussion. The initial agreement was a 50-50 split on expenses with the city. If an agreement can't be reached, it would be a significant bill for the city to absorb. Brunn stressed the city wanted to work with the school. No payment is a concern.

Old Business

Winterfest was already discussed.

New Business

Gondeck shared that he attended a ground breaking ceremony at New Life Church on Sunday and received very positive feedback from the church and the architect who said it was a pleasure to work with the city and staff on this project.

Mayor's Open Forum

Gondeck asked that moving forward with the sprinkler sewer ordinance to make sure we didn't hurt business with the winter rates. He wanted to clarify that the city wants to help business when the state is not business friendly.

Motion by Voit, seconded by Gondeck, to adjourn.

Motion carried, unanimous.

Meeting adjourned at 6:57 p.m.

Sarah A. Brunn

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