

CITY OF FOLEY, MINNESOTA  
CITY COUNCIL MEETING – September 5, 2023

The Foley City Council held their regular meeting on Sept. 5, 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 Swanson, to approve the consent agenda:

- Approve minutes of Aug. 1 & 15, 2023.
- Approve closure of 4<sup>th</sup> Avenue N (downtown) on Sept. 24 from 10-2 for car show.
- Approve tobacco license for 351 Dewey Street, Smokin Joe's (Paul & Amanda Strang).
- Adopt Resolution #2023-09 Accepting Trees Donation.
- Adopt Resolution #2023-11 Accepting Pool Donation.
- Approve payment of bills.

Gondeck asked for addition to the bills list for Jefferson Fire & Safety for \$10,073.91.

Motion carried with amendment, unanimous.

**Public Hearing – Body Camera Policy**

Mayor Brosh recessed the regular council meeting at 5:31 p.m. to conduct a public hearing on the Police Department's Body Camera Policy. He asked for anyone present to speak for or against the matter.

No one spoke.

Brosh ended the public hearing and reconvened the regular council meeting at 5:32 p.m.

Motion by Gondeck, seconded by Mathiowetz, to approve the body camera policy for the police department.

Motion carried, unanimous.

Motion by Gondeck, seconded by Voit, to accept the donation of body camera from the City of Royalton and their police department.

Motion carried, unanimous.

**Wastewater Regionalization Project Update**

Jared Voge from Bolton & Menk gave an update to the council and presented pay agreement estimate #12. The estimate includes work completed through Aug. 25 and represents 79% of the contract value. Work continues at connection location in St. Cloud, the odor control building, top soil restoration, and

the lift station. Discussion and questions followed. Voge explained that control panels and electrical transformers are on hold. He anticipates more details coming for the October meeting.

Motion by Gondeck, seconded by Swanson, to approve pay agreement #12.

Motion carried, unanimous.

Voge opened discussion on the wastewater pond decommissioning. He reviewed there was some discussion during the budget workshop in August. Jared Voge explained the process in that a report must be filed with and approved by the MPCA for approval before work can begin. Sludge is removed followed by dewatering. It's best to dewater over the winter. The site is then shaped and graded into whatever the council would like but it must still must be approved by the MPCA ahead of time. Questions and discussion followed.

Brunn asked for feedback and thoughts on what the council would like to see. Staff can research and look into possible ideas. Brunn also explained she looked into the possibility of restoring it to a wetland, but staff was unable to prove where the soil went after the hole was dug. Other options are a natural area pond or an extension of the park.

Voit asked what the cost of the project would be. Voge explained that it depends on the plan. Decommissioning of the pond was not included in the original wastewater project.

### **Discussion on School Resource Office (SRO) Statute Changes**

Brunn explained that the discussion on the SRO was needed due to the legislation changes in the education bill at the state level. She had spoken with the school superintendent. Chief McMillin has stepped in as the SRO. The SRO contract is between the school and the city council. There may be a special session at that may include clarification of the language.

McMillin addressed the council that it has been business as usual while serving as the SRO. School staff is appreciative that an officer is in school. The safety of the children is most important. McMillin said she'd spoke to Benton County and Sheriff Heck and they have offered to help. Since the county deputies are not contracted with the school, they would not be subject to the changes in the law.

Questions and discussion followed. Adam Ripple, City Attorney, explained that according to the legislation an SRO can't use reasonable force or touch a student unless there is a clear danger to the student or to others. Previously, they had the ability to remove a student who was being disruptive, but now they can't. Ripple explained that it is not a well-crafted piece of legislation as it was not thought through. The statute talks about the SRO or agent of the school. It's not clear if because the city has a contract with the school if the law related to force applies to only the acting SRO or the entire Foley Police Department. The city may need to implement protocols such as a work log or change in uniform for the SRO.

Gondeck asked when does officer discretion come in. Ripple said if there is threat of harm. It's no different from other situations and the new body cameras will help. More discussion and questions followed.

Ripple added that if the contract with the school is canceled then the city is loses the revenue. Brunn stated that the school has not indicated they would cancel the contract. The concern is what the change would do to the liability.

Voit asked if the other officers are concerned. McMillin stated that she is not concerned but some of the other officers are. It comes down to report writing and documenting. She stressed the value of having the SRO in the schools. It builds a stronger community between the officers and the school.

More discussion and questions followed.

Office Eric Vickstrom, SRO, addressed the council and expressed concerns stating the changes will affect all the officers and how/when they can intervene. It would require that officers call the county for backup. Officers are expected to make split second decisions. Many departments are temporarily suspending the SRO contracts. Vickstrom asked the council to temporarily suspend the contract. Officers would still patrol, but they would not have an officer staying at the school. We want to continue to serve the staff and the students. They don't deserve to be unsafe. Vickstrom stated it was his fifth year as an SRO and he will always be an advocate for safe schools.

Mathiowetz expressed support for suspending the contract with the school to help support the officers and protect them from liability.

McMillin stated that officers could get sued for anything. Having an SRO makes the school safer. Ending the contract would also have a negative impact on the budget and staffing.

Ripple stated that changes to the contract would require both parties to renegotiate and formal action from the council. Discussion and questions continued. McMillin gave examples of a few times when an officer had to escort a student from the building.

Gondeck asked if the SRO used force would the council stand behind the officer. The council expressed support for the officers. Vickstrom added that he would do his job to provide a safe school and do what the council asked.

Ripple added that the cities that are withdrawing their SROs still want to provide enhanced law enforcement for the school. Brunn expressed concerns about suspending the SRO contract.

The council all agreed that the safety of the students was the most important and the city should not suspend the contract.

Brunn said that staff will schedule another council meeting this month and will provide an update then. McMillin is scheduled to remain as SRO for the foreseeable future.

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

Debra Olson, 600 Dewey Street, addressed the council regarding the city budget and the money appropriated for the industrial park. She stated that she'd spoken to other cities with industrial parks and the cities don't budget money for utilities until after interest is shown by a business. The city of Foley and residents are financially constrained by all these projects being added on, so adding on \$130,000 may not seem like a lot but it means a lot to the families when taxes are being raised significantly. She encouraged the council to take a look at what other cities are doing and be more cost conscious.

### **Discussion and Comments on 2024 Preliminary Budget**

Brunn addressed the council regarding Resolution #2023-12 Adopting Preliminary Levy. She stated

the resolution is the tax levy that was discussed at the Budget Workshop at the Aug. 15 meeting. The preliminary levy currently stands at 3.56%. She asked if the council had any questions, comments, or changes they would like to make. Brunn also said that whatever is approved for the preliminary levy can't be increased when the final levy is approved, but it can be decreased. The preliminary levy must be certified with the Benton County treasurer's office by Sept. 30. The council could choose to approve it at the Sept. 19 meeting.

Monica Shawn, Accounting Technician and Deputy Clerk, provided a few examples of different levy increases and percentages.

Brunn added that the SRO contract is a total of \$60,000 of revenue from the school.

Brunn added that the council would not be able to cut a full-time officer without the union input. There are obligations with the union contract such as layoff orders, etc. She also recommended the council to leave some room in the levy if they are uncertain. The levy can be reduced in December at the final vote.

Councilmembers Voit, Swanson, Gondeck, and Brosh expressed they were not ready to approve the preliminary levy and preferred to wait until the Sept. 19 meeting.

## **Department Reports**

### **Police Department**

Chief Katie McMillin gave an overview of the stat report for August. There were a total of 391 calls. There was an increase in people driving without a license – one person was stopped twice in one day. Animal complaints are also up. Year to date the department has had 88 animal calls. For all of last year, the department responded to 74 calls. Animal calls included barking dogs, lost dogs, and unregistered dogs. Traffic and equipment violations were up. Overall, the department is averaging over 300 calls per month. The first day of school went very way. McMillin also thanked the council for their approval of the body cameras.

McMillin gave an overview of the current status of the squad cars. The 2021 squad is back in operation, but now the 2019 the check engine light came on – the lifters and the cam shaft need to be repaired the same as the 2021. It is currently in the shop. McMillin also shared that she drove her personal vehicle to the school to serve as the SRO. Not a viable solution if she needed to respond to an emergency while at the school. McMillin stated that she spoke with the person who does squad installs and they have a 2018 Ford Explorer that was used by the county available for purchase for \$16,100. This expense is not in the budget. The department is not due to replace one of the current squad cars until 2025. Under the circumstances she needed to look at all the options.

Brunn added that the city should not have our officers driving their personal vehicles when on-duty as a responding officer. Discussion and questions followed.

McMillin added that the installer would need about eight hours to get the squad ready. It could be ready by next week. Again the cost is \$16,100. It has 127,000 miles and is a 2018 Ford Explorer.

Voit commented that since he's been on the council there's been one of the squad cars down. He expressed that he'd like to have a third squad as a backup.

**City Attorney**

Nothing to report from the City Attorney.

**City Engineer**

Jarod Griffith gave a quick update on the Hwy 23 project. The sub-contractor has received the push button pedestrian crossing system, but there is not a set date yet for the install. He also stated there was discussion at the team meeting regarding the issue on the trail on the north side of town. It's on the punch list and they have until Sept. 30 to fix it.

**Public Works and Fire Department**

Mark Pappenfus stated they are waiting for the posts for the pedestrian crossing. They are also planning to do some overlay on some of the trail over by the nursing home.

**Administration**

Brunn gave an overview to the council stating she would be attending the Gilmanton Township meeting later that night for clarification on the Orderly Annexation Agreement. She will keep the council informed. She also stated there were a few items for discussion at the Sept. 19 meeting including how the city plans to encourage development. Infrastructure cost is very high so developers will require some city assistance. The city also needs to look at different locations for development. There is a lot of property not owned by the city that we're dependent on other people selling for development. Benton County has also approached staff regarding ARPA money that needs to be discussed. The council should also discuss general zoning and ordinances to provide more flexibility and encourage growth. We need to discuss ideas for projects.

**Old Business**

No old business.

**New Business**

No new business.

**Mayor Comments & Open Forum**

No one spoke.

Motion by Gondeck, seconded by Swanson, to adjourn.

Motion carried, unanimous.

Meeting adjourned at 6:56 p.m.



---

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