

CITY OF FOLEY, MINNESOTA  
CITY COUNCIL MEETING – October 3, 2023

The Foley City Council held their regular meeting on Oct. 3, 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 September 5<sup>th</sup> & 19<sup>th</sup>, 2023.
- Approve request from CROSS Center to display/sell paintings in City Hall.
- Approve disposal of minor excess/unused city property (bikes, lockers, hoses, etc..)
- Approve payment of bills.

Gondeck asked why Pay Agreement #13 was listed in the bills to be paid.

Sarah Brunn, City Administrator, explained it's typically included because it's part of what the auditors check.

Motion carried, unanimous.

### **Annual Fire Relief Report**

Bryan Moshier gave an overview to the council as the treasurer of the special/retirement fund for the Fire Department. He directed the council to the sheet in their packets. The fund currently stands at \$28,000 and is stable. Questions and discussion followed.

Swanson asked where the department stood regarding retirements. Moshier said that one had already retired. Until he is officially informed on a member's decision to retire there are no disclosures. Brosh asked how many members currently have twenty years of service. Mark Pappenfus, Fire Chief, stated there are two members with twenty years of service.

Moshier stated that the algorithm the fund uses assumes it's already paying out so the funds are covered. He isn't expecting anything too crazy to happen with the markets.

Motion by Swanson, seconded by Gondeck, to approve the Annual Fire Relief report.

Motion carried, unanimous.

### **Wastewater Regionalization Project Update**

Jacob Humburg from Bolton & Menk gave an overview to the council. He recommended approval of Payment Agreement #13 of \$238,047.96 which includes the odor control building, infrastructure at the St. Cloud end, and lift stations for work completed through Sept. 23. Discussion and questions followed.

Gondeck mentioned we've had some standing water on Hwy 25. Humburg said they would look into it. Pappenfus added they had a discussion with Geislinger earlier in the day and they've talked with homeowners. Brosh asked how things are progressing for Dec. 31. Humburg commented on the completion date. Most of the controls components were still on order, but hopefully would arrive by Dec. 31. The transformers for the lift stations were expected to arrive next spring.

Motion by Gondeck, seconded by Swanson, to approve Pay Agreement #13.

Brunn added that staff had received the PSIG reimbursement. Staff also met with St. Cloud to discuss bringing forward revisions to the sewer ordinance as required by the connection. The revisions are in process. The city will need to maintain the same treatment standards as St. Cloud.

Motion carried, unanimous.

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

Debra Olson, 600 Dewey Street, addressed the council regarding her email. She said the downtown development packet mentioned parking. She stated she believed the city was not in compliance with state law. She said since the council was talking about growth and development that it should focus more on parking regulations (e.g. people parking too close to stop signs).

Linda Freedom, 205 Dale Avenue, addressed the council asking that the city pass ordinance to treat stray cats the same as dogs. Freedom stated that cat owners let their cats outside to roam free and don't take care of them. The cats kill birds, make messes in other people's yards, and are generally very destructive and have become a nuisance. Freedom also expressed her frustration with residents who had their vehicles up on jacks and didn't take care of their yards (e.g. trash and junk in yards).

### **Department Reports**

#### **Police Department**

Chief Katie McMillin gave an overview of the stat report for the month of September. Calls were up to 379. Thefts and gas drive offs were up. Domestic violence and assaults were up. She stated that domestic calls were one of the most dangerous calls for officers to respond to. The department had also received many calls about dogs and cats. City ordinances don't regulate cats as much as dogs. There are also a lot of stray cats in town. McMillin also said that miscellaneous calls are also up. Registered sex offender checks are down twice a year. Record checks were also up.

McMillin gave an update on the SRO legislation. The attorney general came out with another opinion that was much better. You have to distinguish between a school rule and the law. If it's a law enforcement matter, then you can use force. Officers are instructed to document everything in their report.

McMillin also gave an update on the county ordinance on cannabis. The public hearing was today. The ordinance passed was not a border-to-border ordinance which means they're leaving it up to the individual cities to adopt what the county has or make a new ordinance. McMillin said she would bring a copy of the county's ordinance to the next meeting. It states that you can't smoke cannabis at county parks, pools, or other public places. If you are fined it is a payable tiered offence. First time \$300.

McMillin reminded the council that Halloween safety program in the schools is coming up. She also reminded the council that Winter Parking Enforcement begins on Nov. 1. No parking on city alley's or streets from 2 a.m. – 6 p.m.

Questions and discussion followed regarding the stray cat problem.

Brunn asked the council to keep in mind that the city does not have an animal control officer. It is difficult for the officers to take animals to the animal shelter in St. Cloud. That's why the city has a contract with the Tri-County Humane Society.

### **City Engineer**

Jarod Griffith gave the council updates on the Hwy 23 project. The pedestrian push button crossing poles were installed. The city and state are also working together with the contractor to get the trail resurfacing resolved. The contractor proposed a micro-pave like a chip seal. The city proposed a one inch overlay. The project completion date was Sept. 30. Questions and discussion followed.

Griffith mentioned there was discussion at the staff level to add a sidewalk to the north side of the roundabout at Penn Street. Pappenfus said it was a good idea, but was not part of the original project. It would need to wait until the Hwy 23 project was complete.

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

Mark Pappenfus gave an overview to the council regarding fall projects for the Public Works. The department has been hydrant flushing and jetting. He also stated that the idea of adding an electronic compost gate would probably take two years. It could be made compatible with the card reader system. Staff is working toward completing the first part. He asked for a motion to approve the bid for the compost gate which is a start to more security at the compost site.

Motion by Voit, seconded by Mathiowetz, to approve the bid for the compost gate.

Motion carried, unanimous.

Pappenfus also presented a bid for a backup generator for the maintenance shop. It would help keep the computers, lights, and heaters running in the winter in case of a power outage. The shop does not currently have a backup generator. It would be placed on the parking lot side next to the siren tower. It would also help run the siren in case of power failure.

Motion by Gondeck, seconded by Mathiowetz, to approve the bid for the purchase of the backup generator for the maintenance shop.

Motion carried, unanimous.

Pappenfus also reminded the council the Fire Department's Open House was this coming Saturday from 11 a.m. to 1 p.m. and invited them to stop by. He also gave an update on the Tahoe vehicle search. There is one in Nebraska that he's waiting on maintenance records from. He planned to talk about it at the department meeting this week. The council had previously authorized a purchase of a vehicle with reimbursement from the fire relief to follow.

### **Administration**

Sarah Brunn gave an overview to the council. Expenditures were up for the pool this year driven by

staff wages. Staff is looking at increases to the fee schedule to help minimize the gap. Staffing costs will most likely not decrease.

Brunn directed the council to the downtown development plan in their packets. There are valuable things in the plan to look at. The city needs to think about our vision and what we want to see in downtown before we make changes and ask what we're willing to do. Discussion and questions followed. Brunn suggested doing another council workshop as staff gets more info.

With the closure of Kent Foods, it would have an impact on the winter sewer rate numbers. The loss of the revenue is not incorporated in the original calculations. Staff is already getting inquiries on the building. Council needs to be aware and consider the impact before passing a winter sewer ordinance. It would need to pass before the end of the year. We don't know how water habits will change if the ordinance is passed.

Discussion and questions followed. Brosh stated a decision would need to be made on the proposed winter sewer ordinance for sure by next month.

### **Old Business**

No old business.

### **New Business**

Mathiowetz stated she spoke to a resident regarding the runoff pond at the storage facility. She expressed concerns that the owner is not taking care of the pond and it could be impacting the neighbors.

Pappenfus stated staff made multiple tours and inspections. The contractor made changes so it would be in compliance. Griffith added that all drainage from the side should stay on the site and go to the pond. When we looked at it everything was flowing as it should. More discussion and questions followed.

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

No one spoke.

Motion by Gondeck, seconded by Voit, to adjourn.

Motion carried, unanimous.

Meeting adjourned at 6:42 p.m.



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