

CITY OF FOLEY, MINNESOTA  
CITY COUNCIL MEETING – November 7, 2023

The Foley City Council held their regular meeting on Nov. 7, 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 Voit, to approve the consent agenda:

- Approve minutes of October 3, 2023.
- Adopt Resolution #2023-14 Accepting Donations.
- Accept resignation of full-time police officer Eric Vickstrom.
- Approve part-time police hiring process.
- Approve payment of bills.

Motion carried, unanimous.

**Mayor's Comments & Open Forum**

Debra Olson, 600 Dewey Street, addressed the council stating she would like to see more details on the bills list included in the consent agenda. Instead of just a list of bills paid she would like to see what the city collects to compensate for the bills. She also said she disagreed with the proposal of increasing the city's contribution to the employees HSA funds from \$50 a month to \$100 a month. She also asked why the city does employee recognition programs since most companies are eliminating these. She also questioned if the city was getting the best rates on their health insurance in light of new state regulations. She recommended the personnel committee look into making changes. Olson also asked what the procedure was when notifying residents and business owners of upcoming road construction projects and expressed concern for a small business in town.

Mathiowetz stated for the council that she'd heard from Linda Freedom who shared with her there were very positive changes on Dale Avenue and wanted to say thank you to the city staff for their efforts to address her complaints.

**Wastewater Regionalization Project Update**

Jarod Voge from Bolton & Menk gave an overview to the council. The contractor is currently seeding some areas and testing the piping. Work is also continuing at the Odor Control building and various work areas are being prepared for winter. Voge reminded the council of the ongoing challenges with material delivery which has resulted in delays to the project. He referred the council to the memo in their packet with the list of items they are waiting on and their estimated delivery dates. Discussion and questions followed. Mark Pappenfus, Public Works Director, added that the delays on materials is currently an industry wide problem. Sarah Brunn, City Administrator, shared with the council that staff will be requesting a change order due to the delay in materials.

## **Public Hearing – Fee Schedule and Special Assessments I/I & Snow/Weeds**

Mayor Brosh recessed the regular council meeting at 5:41 p.m. to hold a Public Hearing on the proposed Ordinance #476 – 2023 Fee Schedule (includes new water/sewer rates) for 2024 and Resolution #2023-15 Assess I/I Penalties and Resolution #2023-16 Assess Weeds/Snow Charges.

Mathiowetz read a letter from Sarah Moulzof, 238 Elm Drive, who expressed her disagreement with the increased water/sewer rates, the changes to the minimum water usage, and the increases to the pool fees.

No one else spoke. Brosh closed the Public Hearing and reconvened the regular council meeting at 5:45 p.m.

Discussion and questions followed. Voit asked that as the council and staff didn't know what might happen with the water usage during the summer months and how habits might change under the proposed Winter Sewer rates would the council be able to reassess at a later time? Brunn stated that they could reassess the minimum gallon usage. The city would need to make sure they could pay their obligations. Voit clarified that the increase in fees was not to make money for the city, but to make sure the city can pay its bills. Brunn added that also to have funds available for future infrastructure projects.

Motion by Mathiowetz, seconded by Voit, to adopt Ordinance #476 Fee Schedule.

Motion carried, unanimous.

Discussion followed on Resolution #2023-15 Assess I/I Penalties and Resolution #2023-16 Assess Weeds/Snow Charges. Gondeck asked staff if these were the last three properties still receiving I&I penalties. Brunn stated that staff was making progress, but it would continue to be a project for many years to come as a number properties are still exempt and need to replace their service laterals when road construction projects occur.

Motion by Swanson, seconded by Gondeck, to adopt Resolutions #15 and #16 Assessing I/I Penalties and Weeds/Snow Charges.

Motion carried, unanimous.

## **TIF Decertification Resolution**

Brunn gave an overview of Resolution #2023-13 Decertifying TIF District. A number of years ago the city established a TIF district for a potential housing project. The project was never built. According to state law, the city needs to decertify that district. This resolution is the first step and then staff will send to the county. Questions and discussion followed.

Motion by Voit, seconded by Swanson, to approve Resolution #2023-13 Decertifying TIF District.

Motion carried, unanimous.

## **Department Reports**

### **Police Department**

Chief Katie McMillin gave an overview of the monthly stat report for October to the council. There

were 363 calls in October. Hit and runs were up. If you get in an accident, per state law you must stop. Thefts are down. Child calls are up. Medical and welfare calls are down. City ordinance violations are up. The department is doing a push to get things taken care of before the snow comes. Tobacco compliance checks are done. All businesses in town passed their compliance checks and will get a letter in the mail. Halloween safety presentations at the schools went well with 200 kids participating. McMillin also reminded the council that Winter Parking Enforcement is now in effect beginning Nov. 1 and will last March 31. The department issued several warning tickets over the last week, but will begin writing citations that night.

McMillin also gave an update on the cannabis ordinance from Benton County in the council packet. Staff was waiting to hear back from the city attorney on the best way to construct the city's ordinance. Discussion and questions followed.

McMillin gave an update on the squad car maintenance. She also updated the council on the personnel meeting today to discuss the open position with Officer Vickstrom's resignation. Officer Cody Pausch had expressed interest in moving to full time and taking on the SRO position. He is currently permanent part time. In December, the department will bring the recommendation forward to the council to promote Pausch to the full-time SRO position. The part-time permanent position will then need to be filled. Discussion and questions followed.

Brosh asked for a motion to promote Pausch to the full-time SRO position instead of waiting for the December meeting.

Motion by Gondeck, seconded by Mathiowetz, to the full-time SRO position effective Dec. 25 and posting for the part-time position immediately.

Motion carried, unanimous.

### **City Engineer**

Jarod Griffith, City Engineer, gave an update on the Hwy 23 project. The trail was overlaid and fixed. The contractor is still working through a few other items including ditch grading. MN Dot ran a test on the top soil which showed it was depleted of nutrients so the state has recommended the contractor supplement with compost. This will happen in a couple weeks. The state is considering extending the completion date of the project to June 2024.

Discussion and questions followed regarding the approval of the 2025 Street & Utility Feasibility project. The project scope would include 3<sup>rd</sup> Avenue from John Street to Murphy Street; 4<sup>th</sup> Avenue North from TH 23 to Norman Avenue North; Broadway Avenue North from TH 23 to Penn Street; Murphy Street from 3<sup>rd</sup> Avenue to Broadway Avenue North; Parent Street from 4<sup>th</sup> Avenue North to Broadway Avenue N; and 4<sup>th</sup> Avenue N alley from Penn Street to Murphy Street. The project will include full reconstruction of the streets, sidewalks, sanitary sewer, water, sewer & water services, storm water, and fiber improvements. The city intends to special assess a portion of the project costs to benefiting property owners following Minnesota Statutes Chapter 429. The statute requires preparation of a feasibility study. The SEH feasibility report will cost \$19,000.00. Discussion and questions followed.

Motion by Swanson, seconded by Gondeck, to approve Resolution #2023-17 Ordering Preparation of Report.

Motion carried, unanimous.

Griffith gave an overview to the council regarding the comments received back from the state on several future water projects. The lead service and treatment plant scored 15 which was very good. The well #6 project scored 10. The new water tower scored 6. Tower rehabilitation scored 5. Staff will meet with the water groups to discuss next steps.

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

Mark Pappenfus, Director of Public Works, gave an overview to the council. Public Works has completed some aggressive flushing this fall. Sweeping of streets is ongoing since the leaves fell late this year. The new compost gate was installed. The power to the gate will be installed next year. The old snow plow suspension is getting new springs. The department has fixed two water leaks earlier in the day. Asked the council for permission to delay purchase of the CIP air compressor this year and buy a Snow Wolf plow for the cat instead to be used for downtown sidewalks and trails. Discussion and questions followed.

Motion by Swanson, seconded by Gondeck, to purchase to the Snow Wolf plow for \$19,185.41.

Motion carried, unanimous.

Pappenfus updated the council on the surplus that was sold. Everything sold except for the sewer hose and the squad cage.

Pappenfus also updated the council on the purchase of the 2017 Tahoe for the Fire Department. The department is making arrangements for delivery. He asked permission from the council to sell the old Tahoe on MN Bid once the new Tahoe is in service.

Motion by Gondeck, seconded by Voit, to sell the old Tahoe on MN Bid once the new Tahoe is in service.

Motion carried, unanimous.

Pappenfus requested the city fire funds pay for Tahoe's transport costs of \$1,980.00.

Motion by Gondeck, seconded by Swanson, to pay the transport costs of the new Tahoe for the Fire Department.

Motion carried, unanimous.

Pappenfus added that the Fire Department had a very successful Fire Prevention Week open house.

### **Administration**

Sarah Brunn, City Administration, asked the council for final directions on the proposed winter sewer ordinance so it could be brought to the council for vote at the December meeting. The council agreed to move forward with the changes.

Brunn also gave an update on the 2024 budget. Staff received information on the insurance increases. Staff also received some quotes and was able to get a better policy and cheaper rates for dental

insurance through Health Partners. Staff is also implementing earned sick and save time as required by new state law.

Motion by Gondeck, seconded by Swanson, to adopt the updates to the personnel policy which include Earned Sick & Safe time.

Motion carried, unanimous.

Brunn also proposed increases to the monthly contribution to the employee HSA account match from \$50 to \$100 as well as a once a year safety allowance of \$500 for boots and glasses.

Motion by Gondeck, seconded by Voit, to accept the increase to the HSA contribution and approve the \$500 safety allowance.

Motion carried, unanimous.

Brunn also gave an update on the welcome sign project. The city will need to apply for a variance and permit with the county. She asked the council for permission to apply on the city's behalf. The council agreed. Brunn explained staff will submit the official application for the next phase of the grant fund. She also met with the building committee (Gondeck and Voit) and decided as a group not to proceed with the county building acquisition. The size of the building and maintenance required would be too much to handle. It was also felt it was important for City Hall to remain downtown. Discussion and questions followed.

### **Old Business**

No old business.

### **New Business**

Gondeck shared with the council that he is participating with local law enforcement in No Shave November to help raise donations for the American Cancer Society.

### **Mayor's Comments & 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)