

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – February 6, 2024

The Foley City Council held their regular meeting on Feb. 6, 2024, 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 Jan. 2, 2024.
- Consider appointment of Candace Kantor for planning commission to replace Noel Lewandowski.
- Approve Midwest Fire Tanker Contract (with price increase).
- Approve Fire Department Officers.
- Adopt Resolution #2024-04 Accepting Donation.
- Adopt Resolution #2024-05 Approving Transfers.
- Approve payment of bills.

Motion carried, unanimous.

Mayor's Comments and Open Forum

No one spoke.

Update on Wastewater Regionalization Project

Jared Voge, Bolton & Menk, gave an overview to the council and recommended approval of Pay Application #16 for \$89,062.50 for work completed through Jan. 19. The electrical sub-contractor is on site to install components within the panels and wiring. Questions and discussion followed.

Motion by Gondeck, seconded by Voit, to approve Pay Application #16.

Motion carried, unanimous.

Foley Area C.A.R.E. Presentation

Sarah Kellen, Volunteer Coordinator for C.A.R.E, gave an overview to the council on the services they provide to the Foley area. The organization has continued to increase services as needs have grown. They've expanded to serve other communities including the cities of Rice and Sauk Rapids as well as Sherburne County. Kellen also shared some statistics. There are more seniors in Minnesota than school age children. Benton County has a high percentage of seniors living below the poverty line. There are many benefits to helping seniors continue to live independently at home. Seniors living at home continue to shop at local businesses and pay local taxes. C.A.R.E. provides assistance to family members who are facing the challenges for caring for seniors and helps seniors reduce their reliance on state-funded programs. Questions and discussion.

Consideration of Ordinance #477 – Prohibiting Cannabis in Public Places

Ashley Bukowski, City Attorney, addressed the council regarding Ordinance #477. The state legislature legalized adult use for cannabis. Benton County adopted a similar ordinance that prohibits cannabis use in public places. The state definition of ‘public place’ is an area where the public has access by right of invitation such as public buildings and parks. This ordinance would not apply to private homes or their yards. Questions and discussion.

Voit asked about the fines. Bukowski explained that the state statute allows for fines up to \$300 for a petty misdemeanor. The minimum fine is \$50.

Motion by Gondeck, seconded by Mathiowetz, to approve Ordinance #477.

Motion carried, unanimous.

Discussion/Approval on Xcel Energy Gas & Franchise Agreements

Sarah Brunn, City Administrator, shared with the council that staff is having conversations regarding abandoned utilities. Staff is looking into franchise fees that would be collected. The funds could be used to help offset maintenance costs and the tax levy burden. Discussion and questions followed.

Chicken Ordinance Discussion

Jason Brule, 358 Maple Drive, petitioned the council to consider amending the city ordinance to allow for backyard chickens. He asked that chickens be removed from the livestock list (not permitted) and moved to the small animal section (permitted) and listed as ‘egg laying’ or ‘show chickens’ (not roosters) in that they are similar to dogs and cats in terms noise and smell. Brule explained he would like to teach his kids responsibility and thought a pet like chickens would be a good idea. Brule explained he grew up on a farm and outlined to the council how he would prepare his yard to care for the chickens. He also stated he’d spoken to his neighbors and they didn’t object. Questions and discussion followed.

Mathiowetz asked Chief Katie McMillin her thoughts on enforcement. McMillin expressed concerns that if the ordinance was amended to allow for chickens it would be very difficult for officers to enforce any restrictions since they are not able to go onto properties to count chickens. McMillin also stated that according to state law chickens are considered livestock. She also expressed concerns that allowing chickens could also lead to residents asking for goats, sheep, pot-bellied pigs...etc...

Burkowski recommended asking the Planning Commission to discuss and make recommendations on licensing and enforcement if that’s the route the council would like to go.

Brosh asked the council members their thoughts. Gondeck, Swanson, and Voit stated they would not be in favor of making any changes to the ordinance. Mathiowetz and Brosh were open to making changes.

Department Reports

Police Department

McMillin gave an overview of the January stat report. Officers responded to 363 calls - up from January of last year. Harassment calls at the school regarding social media issues were up. There were 10 animal complaints – up from 2023. Miscellaneous calls were also up due to assisting at the school. Everything is documented when an officer responds to the school. McMillin also shared that Fun with

Police is scheduled for Feb. 15. She also shared that the department was aware of the traffic problem being created on Hwy 23 due to cars backing up from the elementary pick up and drop off line. She said she and the SRO were working with the school to educate the school aids on how to keep the traffic moving. McMillin stated that six interviews for new part-time officers were scheduled for that Friday. She would bring the names forward for approval at the March meeting. Brunn added that staff needs permission from the council to start the backgrounding on the candidates. The council would approve the hiring at the March meeting. The council agreed.

Mathiowetz asked McMillin with the increasing number of calls and with adding new housing developments in the near future when would it be time to add another full-time officer. McMillin replied that the time is coming quickly when another full-time officer would be needed. There are also new laws being mandated by the state that will also change things. Voit agreed that as the city grows we need to add more officers. Brunn stated that it was something that staff has talked about and will provide the council with options to consider. McMillin added that with the new laws the police chief can't do background checks on candidates. The background work this time will be completed by a third party vetted by the department.

City Engineer

Jarod Griffith, City Engineer, directed the council to their packets for an update on the south side housing development. There are two concepts showing what a potential layout would look like. Concept #1 would be solely single-family homes. Concept #2 would have more diversity with single-family homes and townhomes. The packet also included the concept design agreement, a boundary survey, and a wetland delineation and concept design. Questions and discussion followed.

Motion by Mathiowetz, seconded by Voit, to move ahead with the \$43,000 proposal.

Motion carried, unanimous.

Public Works/Fire Department

Mark Pappenfus, Director of Public Works, gave an overview to the council. The department is being proactive with equipment and building maintenance. They are also working on the lead and copper pipe maintenance that needs to be done by October. Public Works did build the ice rink, but it only lasted two weeks due to the unseasonably warm weather. Pappenfus reminded the council that Public Works had not added to staff in 20 years. He also mentioned the Fire Department would be applying for the FEMA regional grant. Discussion and questions followed.

Administration

Brunn reminded the council there wouldn't be a council meeting on March 5 due to the Presidential Primary. The next council meeting will be held March 12. Brunn also updated the council on the contract with the Tri-County Humane Society. The policy has changed so the shelter will no longer split the cost of onboarding animals between the resident and the city. The city will need to pay for all the fees for each animal surrendered which could add up to a substantial amount of money. She asked the council if they wanted to be over budget or cancel the contract with Tri-County. Discussion and questions followed. Brunn also shared that the legislative meetings are today with a lot of things coming up this session.

Old Business

No old business.

New Business

No new business.

Mayor's Comments 2nd Open Forum

Pamela Vizenor, 600 Broadway Avenue N, asked the council to consider keeping the Foley Fun Days parade at the current route rather than reverting back to the original route as the Civic Group plans for this year. The new route has allowed the residents of the nursing home to enjoy the parade since it goes right past the nursing home. If the parade goes back to the old route, the seniors would lose that opportunity. Discussion and questions followed.

Sarah Moulzolf, 238 Elm Drive, asked the council about the rumors regarding the turkey plant closing down.

Brosh asked for a motion to adjourn.

Motion by Gondeck, seconded by Swanson, to adjourn.

Motion carried, unanimous.

Meeting adjourned at 6:39 p.m.



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