

CITY OF FOLEY, MINNESOTA  
CITY COUNCIL MEETING – July 9, 2024

The Foley City Council held their regular meeting on July 9, 2024, at 5:30 p.m. at Foley City Hall.

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

Members Absent: None

Mayor Jack Brosh presided and called the meeting to order at 5:30 p.m.

The pledge of allegiance was recited.

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

Motion carried, unanimous.

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

- Approve minutes of June 4, 2024.
- Approve minutes of June 7, 2024.
- Approve minutes of June 21, 2024.
- Adopt Resolution #2024-13 Approving Additional Election Judge.
- Approve payment of bills.

Motion carried, unanimous.

**Mayor's Comments and Open Forum**

Debra Olson, 600 Dewey Street, addressed the council regarding the July 1 notification to citizens and asked if citizens are being charged for the St. Cloud sewer system repair. She also wanted to follow up on the proposed changes to the snow fence ordinance. She reminded the council that the snow fence dates is a climate issue and not a motor vehicle issue.

**Wastewater Regionalization Project**

Jared Voge, Bolton & Menk, presented Pay Estimate #19 of \$229,267.97 to the council and recommended approval. The estimate includes work completed through June 21. This represents 90% of the total project cost. The construction meeting was held today. Crews are working on the lift stations. Estimated start up for the station is June 23. Voge also said chemicals were expected to be delivered tomorrow. A full startup up of the system was expected to be in August. He also mentioned there were still a few items the contractor knows need to be addressed. Questions and discussion followed.

Motion by Mathiowetz, seconded by Gondeck, to approve Pay Estimate #19.

Motion carried, unanimous.

### **Discussion on Swim Event at the Foley Pool on July 31**

Sarah Brunn, City Administrator, gave an overview of the event. She also mentioned that a representative from the Swim & Dive Booster Club was in attendance. She provided staff additional information as requested. There is an indemnification agreement in the council packet to protect the city's liability. Discussion and questions followed.

Motion by Voit, seconded by Swanson, to approve the agreement and the request of the Swim & Dive Booster Club to hold an event at the Foley Pool.

Motion carried, unanimous.

### **Foley Fire Relief**

Adam Foss gave an overview to the council and asked for approval of Foley Fire Relief Association's bylaws. The state auditor's office required a wording update on how much is paid on a survivor benefit. Discussion and questions followed.

Motion by Voit, seconded by Mathiowetz, to approve the Fire Relief bylaws.

Gondeck asked Ashley Bukowski, City Attorney, if she saw any concerns with the updated wording in the bylaws. She had no concerns as the wording matches the updates from the state's last legislative session.

Foss explained the only difference is if you die and are an active member your survivor will now get the full amount immediately – no waiting period.

Motion carried, unanimous.

Foss also stated the Relief Association would like to donate the new utility truck to the city and asked the council for approval. This would be a new vehicle and not a replacement vehicle.

Brunn stated that on acceptance of the truck the city would become responsible for its maintenance/insurance and it would be listed as a city asset. The Relief Fund would pay for the purchase of the truck. Discussion and questions followed. Brunn stated the council would need to be in agreement before the Association would be able to move forward to investigate the purchase. The council agreed.

### **Economic Development Authority (EDA) Report – Downtown Façade Grant Program Applications**

Gondeck presented the EDA report recommending approval of the additional grant funds to Benton County Abstract for their sign. Brunn explained that Benton County Abstract had not yet reached the maximum allowed in grant funds.

Motion by Gondeck, seconded by Voit, to approve the recommendation from the EDA for additional façade grant funds for Benton County Abstract.

Motion carried, unanimous.

### **Public Hearing – Cannabis Moratorium Ordinance**

Bukowski gave an overview to the council and recommended approval of Ordinance #482 – Interim Ordinance Prohibiting the Sale, Manufacturing, and Distribution of Cannabis within the City of Foley. She explained the while the city could not ultimately prevent the sale of cannabis but it could adopt a zoning ordinance to control where the cannabis was sold. The purpose of the moratorium ordinance would allow the city to put a pause on any potential applications while staff prepares licensing and zoning ordinances. This would also make sure the city is in compliance with state statute. Discussion and questions followed.

At 5:48 p.m. Brosh closed the regular council meeting for a public hearing on Ordinance #482.

Paul Strang, 351 Dewey Street, asked what the timeframe was for the moratorium.

Bukowski confirmed the moratorium would last until Jan. 1, 2025, unless the council voted to lift it sooner.

Debra Olson, 600 Dewey Street, asked for confirmation that the ordinance was not for personal use of cannabis, but only for licensing for the sale of cannabis. Bukowski confirmed the moratorium would only be for the sale, manufacturing, and distribution of cannabis – not personal use.

At 5:50, Brosh closed the public hearing and re-opened the regular council meeting.

Discussion and questions followed.

Motion by Voit, seconded by Gondeck, to approve Ordinance #482 – Interim Ordinance Prohibiting the Sale, Manufacturing, and Distribution of Cannabis within the City of Foley.

Discussion followed. Brosh stated he was against the moratorium as the state didn't know what they were doing and having a moratorium is not in his best interest. Bukowski explained that without the moratorium anyone who meets the state's standard could start manufacturing and distributing in Foley at any time.

Motion carried with Gondeck, Mathiowetz, and Voit voting yes. Brosh and Swanson voting no.

Discussion followed with Bukowski clarifying the moratorium ordinance. The city can't prevent the sale of cannabis, but applications for the manufacturing and distribution of cannabis won't be accepted by the city until after the moratorium is lifted or by Jan. 1. The council can enact a zoning ordinance if they want and applicants would need to meet that criteria.

Brunn asked if the council would like to consider the summary publication for Ordinance #482. If not the cost to publish the entire ordinance in the paper, will be higher. The website will have the full ordinance. Discussion followed.

Bukowski explained a zoning ordinance can't eliminate the sale of cannabis. A lot of cities are considering commercial or industrial zoning for the sale of cannabis. She is currently working

with Benton County and their ordinance. It is possible that the county could handle licensing. The council could do different zoning than the county. Brunn added the county is also considering passing a moratorium ordinance at their next meeting so they can study the issue.

Motion by Voit, seconded by Gondeck, to approve the summary publication for Ordinance #482.

Motion carried, unanimous.

### **Update on Welcome Sign – Approval to Proceed**

Voit gave an overview to the council on the welcome signs estimates for construction. The committee is still waiting on contractors to update their bids. No major changes are expected. There was a shortfall with the Central Minnesota Arts Board (CMAB) grant funding. The Economic Development Committee has reached out to the Foley Area Chamber, the Lion's Club, and Falcon National Bank to ask for donations of \$5,000 each to help offset the shortfall. They have all committed to donate. That allows the city to proceed with construction of the signs with the council's approval.

Motion by Mathiowetz, seconded by Voit, to approve Resolution #2024-16 Authorizing the Welcome Sign Project.

Motion carried, unanimous.

### **Discussion/Approval of Findings for Liquor License Violations**

Brunn gave an overview of the formal adoption of the findings. Both Stone Creek and Mr. Jim's were issued liquor licenses. Council approval is needed to move forward with the fines with the new information.

Motion by Voit, seconded by Mathiowetz, to approve Resolutions #2024-14 Stone Creek Liquor Violation and Resolution #2024-15 Mr. Jim's Liquor Violation.

Motion carried, unanimous.

### **Department Reports**

Bukowski stated there was discussion on amending the city's zoning ordinance regarding snow fencing. Any changes not initiated by the Planning Commission must be referred to them. Planning Commission has 60 days to send their recommendation to the council and then council is required to have a public meeting on any changes. She recommended the council send the issue to the Planning Commission.

Motion by Gondeck, seconded by Swanson, to send the proposed snow fence amendment to the Planning Commission.

Motion carried, unanimous

### **Police Department**

Chief Katie McMillin gave an overview of the stat report for June. There were 426 calls. This is

up from June of last year. There were increases in calls for driving conduct, equipment violations, medicals, and welfare checks. Letters for tall grass were sent out to residents. The third annual Root Beer Float social is on July 11 at City Hall with the Benton County Sheriff. The event is for all ages and free of charge. The department received a very nice donation from Viking Coke. The last night for this year's Police Activities League (PALs) is Thursday. The event has averaged about 22-24 kids each week. McMillin added she will be talking with someone to discuss possible leasing services for a squad for next year. The 2019 squad has been in twice for repairs last week. It's back in service. The 2021 squad is having body cam syncing issues – waiting on parts. Discussion and questions followed.

McMillin stated that the idea for potentially leasing a squad came from discussions with Royalton's police department. Brosh mentioned that Sartell's police department is getting a grant for electric squads. Discussion followed with Mathiowetz expressing her concern that the batteries for electric vehicles are not good for Minnesota and there could be issues with charging. Gondeck expressed support in seeing more information on leasing a squad.

### **City Engineer**

Jarod Griffith, City Engineer, directed the council to their packets with an updated estimate for the 2025 street project. The updated estimate includes comments from the council and the county. The second document is the design agreement for the project and the bidding services. It doesn't include construction services. Council approval is needed for the design agreement. Discussion and questions followed.

Motion by Gondeck, seconded by Swanson, to approve the design agreement.

Motion carried, unanimous.

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

Mark Pappenfus, Director of Public Works, said the pedestrian crossing at the roundabout was in review with the insurance company. He had nothing else to add.

Voit expressed concern that the pedestrian push-button crossing on Broadway was not working correctly. Griffith said he would check into it.

### **Administration**

Brunn gave an overview to the council. Staff has spent a lot of time working on the software conversion. She also mentioned that elections are coming up quickly. Election judges are working on training. The city is expecting a strong voter turnout. Filings to run for city council opens on July 30. Staff is also working on the budget for next year. The budget workshop will be held in August. She directed the council to their packet regarding the joint meeting of the city, township, and county. The city needs to designate a representative from the council to attend. Gondeck volunteered to go.

### **Old Business**

Brunn gave an overview to the council regarding the winter sewer rate. Staff estimated what it would cost if the city chose to bill on the actual usage if it was lower than the locked in rate from

January. Staff estimates it would result in an additional \$4,500 loss. Brunn also stated that water usage was down 25% from this time last year due to the wet weather. She went on to explain that June of last year water usage was higher because of the dryer weather. Revenues are holding okay, but that is due to the fact that rates were increased. She asked the council if they wanted to change the billing so residents would be billed on the lesser of the two (actual usage vs. winter lock). This would also help people who have just moved into a new home or had extenuating circumstances such as water leaks.

Discussion and questions followed. Bukowski stated the ordinance would need to be amended to reflect any policy changes, but that could be done at a future meeting.

Motion by Voit, seconded by Gondeck, to approve the policy of billing based on the lower of the two – actual usage vs. January lock.

Motion carried, unanimous.

Discussion followed. The council did not approve waving of July late fees.

### **New Business**

Brunn asked the council if there was a need to schedule a council workshop for any items they wished to discuss.

### **Mayor's Comments**

Voit, 159 Lone Ridge Lane, asked council permission to put a split rail fence for decorative purposed in the front and side yard of his property directly on the property line with the city's right-of-way. Brunn explained that the fence ordinance does allow residents to put a fence directly on the property line with permission of the other property owner. Pappenfus stated that Public Works was fine with it.

Motion by Mathiowetz, seconded by Gondeck, to approve the proposed fence on the property line with the city.

Motion carried, unanimous.

Gondeck expressed appreciation for Public Works, the Police Department, and the office staff for their work over Fun Days.

Pappenfus expressed appreciation for Jim's Mille Lacs Disposal for a smooth transition and thanked them for their hard work.

Brunn added that staff is in communication with Republic Services to finish with can pickups. Residents can reach out to City Hall with questions. Voit added that Jim's Mille Lacs offered a free month if residents paid for 12 months in advance.

Motion by Voit, seconded by Swanson, to adjourn.

Motion carried, unanimous.

Meeting adjourned 6:45 p.m.

A handwritten signature in cursive script that reads "Sarah A. Brunn".

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