

CITY OF FOLEY, MINNESOTA  
CITY COUNCIL MEETING – November 12, 2024

The Foley City Council held their regular meeting on Nov. 12, 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.

Members Absent: None

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

The pledge of allegiance was recited.

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

Ashely Bukowski, City Attorney, stated the approval of the county road agreement should be removed from the consent agenda.

Motion carried, unanimous to approve the agenda.

Motion by Mathiowetz, seconded by Gondeck, to approve the consent agenda with removal of county road agreement:

- Approve minutes of October 1, 2024.
- Approve minutes of October 29, 2024 (Fire Contract Meeting).
- Approve Resolution #2024-21 Accepting Donation.
- Approve Resolution #2024-24 Approving Gambling Premises Permit.
- Approve Joint Powers Agreement for Shared Computer Aided Dispatch (CAD) and Records Management System (RMS)
- Approve 2025-2027 Fire Contract Language.
- Approve 2025 MN City Participation Program Agreement for Housing.
- Approve payment of bills.

Motion carried, unanimous

**Canvass 2024 Election Results**

Sarah Brunn, City Administrator, presented election results and asked for a motion to adopt Resolution #2024-22 Canvassing Election Results.

Motion by Voit, seconded by Gondeck to adopt Resolution #2024-22

Motion carried, unanimous.

### **Wastewater Regionalization Project Update**

Jacob Humburg, Bolton & Menk, gave an overview of the wastewater project and recommended approval of Payment Estimate #23 of \$57,040.99. The estimate includes work completed through Oct. 25 for the Lang lift station and odor control building. The start-up process began a couple weeks ago. Wastewater is now being pumped to St. Cloud. City staff received training on all systems and are able to operate in automatic mode. Questions and discussion followed. Mark Pappenfus, Director of Public Works, added that things are going well. A few little things to work through. The training was very good.

Motion by Gondeck, seconded by Mathiowetz, to approve Pay Estimate #23 of \$57,040.99.

Motion carried, unanimous.

### **Public Hearing - Unpaid I/I and Weed Assessments**

At 5:36 p.m. Brosh closed the regular council meeting and opened the public hearing on unpaid assessments.

No one spoke.

At 5:36 p.m. Brosh closed the public hearing and reconvened the regular council meeting.

Motion by Swanson, seconded by Gondeck, to adopt Resolution #2024-25 Assessing Unpaid Charges (Weeds) and Resolution #2024-25 Assessing Unpaid I/I Surcharges.

Motion carried, unanimous.

### **Public Hearing – ODAM Medical Rezoning & Variance Request – 700 Penn Street**

At 5:38 p.m. Brosh closed the regular council meeting and opened a public hearing regarding the proposed ODAM clinic, rezoning and variance request, for 700 Penn Street.

No one spoke.

Brosh closed the public hearing and reconvened the regular council meeting at 5:38 p.m.

Motion by Gondeck, seconded by Voit, to approve the rezoning and variance request from ODAM Medical.

Motion carried, unanimous.

Brunn shared a picture with the council to show what the new clinic would look like. She also stated that notices were sent to residents in the vicinity of the new clinic. Questions and discussion followed. The developer and architect of the new clinic stated they hope to break ground before the end of the year with plans to complete by June or fall at the latest in 2025.

### **Foley Fire Relief**

Bryan Moshier, Treasurer - Foley Fire Relief, gave an overview to the council. He sent an

updated request for a pension raise. Currently, the pension is \$4,500 a year. The request is to raise the pension to \$5,500 a year. He hasn't gotten a third quarter report yet so unofficially there is a larger surplus than what is currently shown on the screen. Moshier added the Fire Relief hasn't had a raise in three years. Discussion and questions followed.

Brunn clarified for the council that the Fire Relief Fund is a separate entity so the raise would not come from the city's regular budget. Staff reviewed the proposed raise and the numbers support it. Brunn added that the city needs fire fighters so recruiting and retaining them is very important. Moshier also explained the city is getting more in state aid and that was another reason why the numbers are what they are. Questions and discussion continued.

Motion by Swanson, seconded by Gondeck, to approve the proposed raise to the Fire Relief pension.

Motion carried, unanimous.

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

Debra Olson, 600 Dewey Street, thanked the councilmembers (newly elected and members leaving at the end of their term) for their service. She also reminded the council of the her recommended changes to the snow fence ordinance (language and dates).

### **Department Reports**

#### **City Engineer**

Jarod Griffith gave an overview to the council on the proposed 2025 street improvement project. Staff had a meeting last week with the county. The project is moving forward on the next set of plans. The county mentioned they were not able to secure funding for the 3<sup>rd</sup> Avenue box culvert project as planned – on a wait list. The city will need to plan accordingly for this change to the project.

Brunn added the problem with the county's funding was that no bonding bill was passed at the state level to replenish funds. This is a reminder to the state legislature to be sure to replenish funds that we all depend on. Discussion and questions followed.

Griffith also gave an update on the lead services portion of the project. It's estimated the city will be awarded the full amount requested. Staff did an inspection today. There is a question at the staff level on how to incorporate funding for the public side of the replacement. There are 20 properties that have lead on the public side. Do we want to move forward to assess since the city is receiving funds for the replacement on the public side? No answer from the council is needed at this time. Questions and discussion followed.

#### **Police Department**

Chief Katie McMillin gave an overview to the council on the monthly stat report. The department responded to 367 calls in October. Driving revocation, domestic, and assaults are all down. Dec. 14 is Cocoa with a Cop for pre-school to third grade children. The theme is the Grinch. There were no issues on Halloween. All squads are in service. Winter Parking

Enforcement is in effect. McMillin also shared she is researching for more grant money to help fund new equipment for the department. She was recently informed that the squad car lap tops are obsolete beginning next year and will require \$12,000 to replace.

### **City Attorney**

Ashley Bukowski gave an overview to the council regarding the proposed ordinance Benton County is considering an ordinance on the licensing of cannabis businesses. She reminded the council there is a local component for registration of businesses that the city can delegate to the county authority to process. The proposed ordinance will be considered by the county next week. She asked the council if they had any comments staff can share with the county board. After the ordinance is adopted by the county board, she will bring the joint powers agreement back to the council. The city can also permit special cannabis events. This will require a city ordinance and direction from the council. The county has also proposed capping cannabis businesses at four at the county level. Foley could also choose to cap the number of cannabis businesses allowed to operate in city limits based on the current city population. Questions and discussion followed.

Both Swanson and Mathiowetz expressed they would like to cap the cannabis businesses in city limits at one. Brosh was against a cap. Brunn stated that from a staff perspective we like cooperation with the county and additional support. The county has done a lot of work on the proposed ordinance. Staff is comfortable with moving forward with the county's ordinance. If the council doesn't like the county's ordinance the city will need to move quickly and develop their own ordinance to be ready in time for Jan. 1. More discussion and questions.

Burkowski reminded that council that approval of the county's ordinance leads to the joint powers agreement which would clarify other items (e.g. cannabis events.)

The council agreed to support the county's proposed ordinance. Expressed an interest in seeing a draft for a special cannabis event ordinance.

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

Mark Pappenfus, Director of Public Works, directed the council to their packets and the proposed purchase. The replacement snow truck is listed in the CIP. The department would use the funds from the sale of the old truck to help cover the costs. He asked the council permission to purchase the truck. Discussion and questions followed.

Motion by Swanson, seconded by Gondeck, to approve the purchase of the replacement snow truck.

Motion carried, unanimous.

Pappenfus also updated the council on the utility vehicle for the Fire Department. The truck would be purchased from Murphy Chevrolet and the city reimbursed for the cost from the Fire Relief Fund.

Motion by Swanson, seconded by Voit, to approve the purchase of the utility truck for the fire department.

Motion carried, unanimous.

Pappenfus added that on the Relief Fund other cities are set at \$6,500 - \$6,800 so the increase is well in line with other cities. Voit complimented the department on the township meeting.

### **Administration**

Brunn updated the council on the city's employee health insurance. Staff met with the Personnel Committee. The 18% increase to the health insurance was driven by the state health mandates. Staff was able to leverage savings from worker compensation and liability to cover the increase on the health insurance so it can work in the 2025 budget. Discussion and questions followed. Gondeck complimented staff on working through the problem.

Brunn directed the council to the two proposals for water/sewer rate studies and gave an overview. Both vendors have experience with the St. Cloud Regional system. She encouraged the council to approve a quote in the coming weeks. Discussion and questions followed.

Discussion turned to the winter sewer rate. Brunn shared that water/sewer revenues were lagging by 14% due to the change with the winter sewer rate as well as the loss of some commercial properties and the weather. She told the council there was time to discuss and make changes to the ordinance if they wanted to but it should be addressed in the future. Discussion continued.

Brunn reminded the council of the workshop tomorrow night at 6 p.m. for the RFP for the south side housing project. The police union contract has a tentative settlement. The final budget hearing (TNT) and fee schedule adoption will be at the next council meeting. Let staff know if you have any changes to the budget. She also shared that staff is still working on bank account transitions to save the city money as discussed at prior meetings.

### **Old Business**

No old business.

### **New Business**

No new business

Motion by Gondeck, seconded by Swanson, to adjourn.

Motion carried, unanimous.

Meeting adjourned 6:44 p.m.



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