

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – April 21, 2026

The Foley City Council held its regular meeting at 5:30 p.m. on April 21, 2026, at Foley City Hall.

Members Present: Mayor Voit, Councilmembers Jeff Gondeck, Debra Mathiowetz, Gary Swanson, and Stephanie Lloyd

Members Absent: None

The pledge of allegiance was recited.

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

Motion carried, unanimous.

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

Consent Agenda:

- Approve minutes of April 7, 2026.
- Approve the hiring of Brittany Mellgran as Pool Manager.
- Approve the hiring of an assistant pool manager, Liz Thorsten.
- Approve payment of John Deere 1570 Mower Invoice (CIP purchase approved prior).

Motion carried, unanimous.

Overview

This document summarizes a series of city council meetings held on April 21, 2026. The meetings covered procedural approvals, public hearings for an alley vacation and rezoning, and the awarding of contracts for a lead service project and construction services. A significant portion of the discussion revolved around a potential expansion request from Dombroski Meats, a long-standing local business. The council debated how to handle the request, which involves installing a tank on their property—an action not permitted under current zoning ordinances for a legally non-conforming use. The council explored various legal and procedural options, including ordinance revisions, a Planned Unit Development (PUD), or an Interim Use Permit (IUP), weighing the need to support a local business against maintaining zoning integrity and downtown aesthetics. Ultimately, the council decided to direct the business to follow the standard PUD application process. Other topics included a change in City Hall operating hours, staffing needs, and community initiatives like a pool event and downtown beautification.

Meeting Preliminaries and Public Hearings

- The city council meeting for April 21st was called to order.
- The agenda and consent agenda were approved, with a note to ensure all members had the revised version which included some changes highlighted in bold.
- The regular council meeting was recessed at 5:31 PM to open a public hearing regarding the vacation of an alley on the existing government center property.
 - No one from the public was present to speak for or against the matter.
 - The council meeting reconvened at 5:32 PM.
 - A motion, by Swanson seconded by Gondeck, was passed unanimously to adopt resolution 2020-6-15, officially vacating the city right-of-way.
- The council meeting was recessed again at 5:32 PM for a public hearing on the rezoning of South Fairway Estates.
 - No public speakers were present for this hearing.
 - The regular meeting reconvened at 5:33 PM.
 - Motion by Gondeck, seconded by Lloyd, passed unanimously to adopt resolution 2020-6-16, approving the rezoning of South Fairway Estates.

Contract Awards

- The city engineer presented the results of the bid opening held on April 15th for the 2026 lead service project.
 - Four bids were received, ranging from \$360,908.50 to \$839,381.70.
 - The lowest bidder was Triple E, a contractor from Crystal, Minnesota, with experience in lead service replacement projects.
 - The previous contractor, Levanen Underground, placed the second bid at approximately \$413,000.
 - Motion by Lloyd, seconded by Mathiowetz, passed unanimously to award the project to Triple E. Work is expected to begin in late May or early June.
- The council reviewed a proposal for S.E.H. to provide construction services for the South Fairway Estates project, similar to the services provided for the Northside project.

- Services will include full-time inspection for public infrastructure (sanitary, water, storm sewer, roads) and part-time inspection for site grading and development aspects.
- The contract is for hourly services, so the final cost depends on the project duration.
- Motion by Voit, seconded by Swanson, approved unanimously the construction services agreement with S.E.H. for the South Fairway Estates project.

Dombroski Business Expansion

- A local business has requested a building permit to add a large tank to their property, but this was identified as an expansion of a legally nonconforming use, which is not permitted under the current ordinance.
- The business has been in its current location for a long time, and there is general support for helping them grow, especially given the difficult economic climate for businesses.
- The business cannot currently afford to move to the industrial park, making the on-site expansion their only feasible option for growth.
- Council members argued that this should be considered an "update" to existing mechanisms rather than a structural "expansion," as no new floor space is being added.
- It was noted that the business is not looking to hire additional people but may increase product output with fewer truck shipments.
- The new refrigeration tank will allow for larger, less frequent shipments, which is expected to reduce overall truck traffic compared to their previous shipping process.
- The company also stated that the truck to fill the tank would arrive after hours to minimize traffic disruption. These details would need to be formally recorded as part of the application process.
- Council members expressed strong support for the business, citing its long-standing presence in the city and willingness to work with the council. They feel the business is an asset and should be allowed to proceed.
- It was mentioned that the business had previously looked into buying a city building in 2024 but was unsuccessful.

- Informal conversations about relocating to the industrial park occurred a few years ago, and there is interest in revisiting those discussions to support the business's growth while preserving the downtown character.
- The council discussed whether to amend city ordinances to accommodate a request from Dombrowski Meats. They clarified that no specific ordinance changes would be made for this single property.
- As directed by the City Attorney, Adam Ripple, the business will be required to submit a formal application, likely under the PUD (Planned Unit Development) framework, which would then trigger public hearings and a formal review process estimated to take six to eight weeks.
- The city will inform the business of this decision. If they choose to proceed with the application, the city will move forward, but many steps cannot begin until the application is officially submitted.
- It was noted that there is no existing Conditional Use Permit (CUP) on file for the property, despite extensive record-keeping. The business is currently "boxed in" with zero lot lines, limiting expansion possibilities at its current location.

Legal and Procedural Options

- The primary purpose of prohibiting the expansion of nonconforming uses is to protect neighboring property owners who have made investments based on existing zoning laws.
- The city's legal counsel, Adam Ripple advised that simply ignoring the ordinance and allowing the expansion would create significant liability and risk for the city, as it could be challenged in court as favoritism.
- Several procedural options were discussed to legally accommodate the request:
 - **Rezoning:** Changing the property's zoning to industrial was deemed a "very bad idea" as it would be inconsistent with the city's comprehensive land use plan for the downtown area and could constitute "spot zoning."
 - **Planned Unit Development (PUD):** A PUD could provide flexibility to allow the expansion with specific conditions. However, the current ordinance requires a minimum of two acres for a PUD, so the ordinance would need to be revised.
 - **Interim Use Permit (IUP):** An IUP would allow the city to place a time limit on the approval (e.g., five or ten years), after which it could be reevaluated. An IUP can also be made specific to the applicant, not just the property.

- **Ordinance Revision:** The cleanest path forward involves revising the city's ordinances to create a clear process, followed by the business submitting a formal application. This process ensures the decision is defensible and not arbitrary.
- This process would require a public hearing, with notices mailed to residents within a 350- or 500-foot radius.
- The estimated timeline for this process is approximately six to eight weeks, as the applicant must prepare detailed materials and public notices must be issued.
- It was agreed that legal counsel would take a more significant role in drafting the ordinance changes with the understanding this would incur additional costs.
- The revised ordinance is intended to be applicable city-wide for future situations, not just for this specific property.

Concerns, Risks, and Mitigating Factors

- **Setting a Precedent:** While each zoning decision is legally independent, allowing one business to expand its nonconforming use creates strong political pressure to approve similar requests from others in the future. Denying a subsequent request could lead to claims of discrimination.
- **Downtown Aesthetics:** A primary concern is that adding a "big giant tank" downtown conflicts with ongoing efforts to beautify the area and attract new investment. The tank is not seen as fitting the desired vision for a thriving downtown.
- **Future Expansion:** There is a risk that approving one tank could lead to requests for more tanks in the future. The council wants to ensure it retains the power to review and potentially deny subsequent expansion requests.
- The business owner plans to install a religious monument and a garden area in front of the tank, which may help obscure its appearance.
- The plan also includes installing bollards and fencing for safety and to prevent skateboarders from accessing the area.
- The substance in the tank is a non-flammable freezing agent used for refrigeration, posing minimal safety risk.
- An initial safety assessment was conducted with a counterpart from a neighboring city. The materials involved are not considered corrosive, and the truck will have a green

sticker, not a flammable one. The assessment concluded that from a safety perspective, the proposed tank would not be an issue.

- A representative from Dombroski was not present for the discussion, and the council expressed a desire to have them attend a future meeting.
- It is unclear if the applicant will proceed once they are informed of the formal six-to-eight-week process, and staff resources will not be spent until the application is officially submitted.
- The public hearing process will notify many residents, and their feedback or opposition could impact the final decision.
- There is a risk that even with the formal process, the final ordinance may not be "bulletproof" against future legal challenges, although it is the most defensible route.

City Operations and Community Initiatives

- The city engineer provided an update following a spring walkthrough of a project site involving city, S.E.H., and county staff.
 - A "punch list" of remaining items was created, including turf establishment, adding topsoil behind curbs, and fixing wavy areas in the asphalt.
 - The final layer of asphalt is anticipated to be placed in early June after site cleanup and other construction items are completed.
 - Pavement striping for parking stalls on Broadway will be handled by a subcontractor.
- A proposal was made to adjust City Hall hours, which will be advertised and take effect on May 1st. The change is intended to help manage staff workload and address large accrued vacation and comp time banks, which represent a liability for the city.
- The council agreed with the change in hours.
- There are no plans to request additional administrative staff at this time, as the focus is on leveraging software and technology to improve efficiency.
- It was acknowledged that other departments, such as Public Works and Police, need more staff due to city growth and that their needs are a higher priority.
- **Community Pool Event:** A "big splash" event will be planned for the pool's opening day on June 3rd to engage the community.

- **Downtown Banners:** New banners have been installed downtown, adding color and improving the area's appearance.
- **Walking Path:** A council member has reached out to Stone Creek regarding the walking path and will follow up on the conversation.
- **Youth Firearms Program:** A thank you was extended to volunteers who helped with the youth firearms program, which had 75 students. The program was highlighted as a positive example of community collaboration.

Motion by Gondeck, seconded by Lloyd, to adjourn.

Motion carried, unanimous.

Meeting adjourned 6:50 p.m.



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