

Pursuant to due call and notice thereof, a City Council Meeting was duly held in the City Council Chambers at 9:30 a.m. on the 11th day of December, 2009. The following members were present: Mayor Diane Barrett; Council Members Fred Barsness, Bryan Haugen, Richard Nielsen and Brian Paulson. Also present: City Administrator Chris Heineman, Attorney Scott Riggs, Engineer Joe Palen, and Administrative Assistant Pam Blow.

CITIZEN COMMENTS

Harold Nielsen requested that the Council consider changing the meeting time back to 7 p.m. for the convenience of the voters. Nielsen commented that the 9 a.m. meeting time is exclusionary, and does not serve the needs of the voters.

AGENDA

Motion by Paulson, seconded by Haugen to approve the agenda as published. Motion carried 5-0-0.

CONSENT AGENDA

Barsness requested that check #52319 for the purchase of a pressure washer by the Fire Department be removed from the consent agenda. Motion by Paulson, seconded by Haugen to approve the Consent Agenda, which includes payment of check numbers 52192 through 52311; 1145E through 1155E; and additional checks 52312 through 52318. Motion carried 5-0-0.

PRESENTATIONS

Department Head Report

Steve Baalson, Public Works Superintendent, reported that everything went well during the snow removal recently, and he thanked the KMU staff for their assistance. Baalson noted that the department has been inspecting sewer lines through the manholes to find obstructions, the new roof is completed on the pool house, lab tests for the Wastewater Treatment Plant have been satisfactory, and a temporary fence has been constructed on top of the retaining wall by the WWTP. A more permanent fence may need to be constructed in the spring. Barsness noted that Baalson has been doing a fantastic job, and Paulson thanked him for the good work.

ENGINEERING

9th Street Utility Improvements Update

Palen noted that the owner of the Jacobson property is interested in having the sewer extended across his property, and would like to negotiate the proposed assessment. According to Palen, any assessment amount cannot exceed the increase in value to the property. John Cole was contacted regarding the sewer extension to the trailer court, and he indicated he would not extend the sewer at this time. Heineman noted that the appraisal process can be used for determining the value of the property. Motion by Barsness, seconded by Nielsen to direct staff to further evaluate option 3 for the utility improvements. Motion carried 5-0-0.

LEGAL

Mutual Aid Services Agreement

Riggs noted that he continues to have an issue regarding Prairie Island's liability because they are a sovereign entity. According to Chief Sjolander, all other cities have signed the agreement, with the exception of Prairie Island. Riggs recommended that the agreement be given to the League of MN Cities (LMC) staff, and noted that we will have to procure insurance for any joint powers agreement with a rider on our insurance policy. Motion by Nielsen, seconded by Haugen to direct staff to forward the Mutual Aid Services Agreement to the LMC staff for their consideration. Motion carried 5-0-0.

Safe & Sober Joint Powers Agreement

Sjolander noted that there is grant funding for Safe & Sober enforcement, and this agreement would allow the Kenyon Police Department to join with other cities. Riggs noted that the agreement would be amongst all cities, not their Police Departments. Motion by Paulson, seconded by Nielsen to approve the agreement, pending staff and city attorney review. Motion carried 5-0-0.

Minnesota Water Agency Response Network (MnWARN)

According to Heineman, KMU has been a part of MNWARN in the past, and the City needs to be included in the agreement because of the sewer coverage. Riggs noted that this agreement should be forwarded to the LMC for their consideration. Motion by Haugen, seconded by Barsness to approve the MNWARN agreement, pending staff, legal and LMC review. Motion carried 5-0-0. **Resolution 2009-20: Authorizing Governmental Unit to be a Party to MnWARN** Motion by Paulson, seconded by Nielsen to approve Resolution 2009-20, subject to final approval by staff and LMC. Motion carried 5-0-0.

CMMPA Agency Agreement and By-Laws

Riggs noted that this is the 4th restated Agency Agreement; however, he has not provided final comments to CMMPA on this revision. According to Riggs, the five year opt-out clause is still a part of this revision, and CMMPA has indicated that this term will remain to fit their future planning. Riggs further stated that this timeline is not as seminal a concern because of the length of time it would take to change the utility process. Heineman noted that the monthly CMMPA meeting is next week, along with the presentation of the RFP for 2012 – 2015. Barrett noted that a decision would be made on the final revision to this Agreement.

OLD BUSINESS

Farmland Lease Proposals

Two proposals were received, with \$130 per acre being the lead proposal. Motion by Barsness, seconded by Paulson to approve leasing the acreage at \$130 per acre (10.5 acres) for 2010 – 2012 crop years, pending staff and legal finalization of the lease agreement. Motion carried 5-0-0.

Street Lights at K-W School

As directed by the Council, the lights were turned back on at the School. KMU has been working with Jeff Evert and the School board on the installation of timers on some of the lights, and the School District will take over the utility payments as of January 1, 2010.

Update on Public Hearing on Continuation of the Operation of the Municipal Liquor Store

Heineman noted that this item was on the agenda should any action be warranted as a result of the Public Hearing held this morning.

NEW BUSINESS

Resolution 2009-19: A Resolution Adopting the 2010 Budget and Establishing the Tax Levy for Payable 2010.

Heineman noted that due to budget cuts in April and June, 2009, no further reductions are necessary at this time. The proposed levy of \$593,399 is similar to the 2005 levy amount, and is a 10.6% reduction from the 2009 levy. Should there be further unallotments of LGA by the State of Minnesota, there is a small amount in the capital fund that could be used to cover those unallotments. Motion by Nielsen, seconded by Barsness to approve Resolution 2009-19, setting the levy of \$593,399 for payable 2010. Motion carried 5-0-0.

Goodhue County Agreement for 2010 State Building Code Administration

Riggs noted that there were few changes from the previous agreement. Motion by Haugen, seconded by Nielsen to approve the 2010 Agreement. Motion carried 5-0-0.

Playground Equipment Purchase

According to Heineman, this playground equipment will complement the existing pieces at Depot Park, and will replace some unsafe equipment. The grant that was received will pay for approximately half the cost of the new equipment, and the remaining balance would be paid with \$2,000 from Kans for Kenyon, a \$3,000 donation from the Kenyon Snowdrifters, and the balance from the capital fund. Motion by Paulson, seconded by Barsness to approve the \$2,991.81 expenditure. Motion carried 5-0-0.

Burning Permit Request from Fred Barsness

Motion by Paulson, seconded by Haugen to approve the permit. Motion carried 4-0-1, with Barsness abstaining.

City Offices and Library Closure on Christmas Eve

Motion by Paulson, seconded by Nielsen to approve closing the City Offices and the Public Library on December 24, 2009. It was noted that the Public Works Department and KMU employees will be working on that day. Motion carried 5-0-0.

OTHER BUSINESS

Schedule of Upcoming Meetings

KMU Meeting (CMMPA presentation on RFP results): 6 p.m. on December 16th.

EDA Meeting: 8 a.m. on December 22nd.

Regular City Council Meeting: 7 p.m. on January 12th.

Heineman noted that he has received a handful of comments about the inconvenience of having the regular Council meetings during the day; however, attendance seems to be greater at the daytime meetings. Barrett noted that having the meetings during the daytime decreases staff time. Craig Seifert commented that business owners can't attend daytime meetings, and suggested having evening meeting times. Paulson noted that his job promotion was the impetus for changing the meeting time to daytime, and he does not expect his job circumstances to change. Heineman noted that the video equipment upgrade is scheduled for January, and this will allow for looping of meetings for rebroadcast on the cable access channel during the evening hours. Haugen noted that the daytime meetings seem to be working well. Barsness commented that evening meetings are preferable, but accommodating Paulson's work schedule is to the benefit of the Council. Barrett noted that there is a reliance on the reporting of the council meetings in the Kenyon Leader. Motion by Nielsen, seconded by Barsness to hold the Council meetings on the second Friday of the month at 9:00 a.m., with quarterly meetings (January, April, July and October) to be held at 7 p.m. on the second Tuesday of the month. Motion carried 5-0-0.

Strategic Planning Meeting: goal planning session will be discussed after the holidays

COMMENTS

Haugen wished everyone a happy and safe holiday season.

Nielsen thanked everyone who participated in the council meetings.

Barsness thanked Steve and the Public Works crew, along with KMU for the fantastic job that was done with the snow removal.

Paulson thanked everyone for their support.

Barrett thanked all the people who volunteer their time, and thanked city staff, along with Steve Baalson and Randy Eggert for their updates. Barrett also noted that she was pleased to see Kay Fate back as the representative from the Leader.

Heineman wished everyone a happy holiday.

Motion by Paulson, seconded by Barsness to adjourn the meeting at 10:55 a.m. Motion carried 5-0-0.

Pam Blow, Administrative Assistant

Diane Barrett, Mayor