AGENDA
CITY COUNCIL MEETING
February 9, 2016

I pledge Allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with Liberty and Justice for all.

7:00 **I. CALL TO ORDER AND ROLL CALL**

II. CITIZEN COMMENTS

III. ADOPT AGENDA

IV. CONSENT AGENDA

** All items listed with asterisks (**) are considered routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member, City staff or citizen so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

V. **APPROVAL OF MINUTES

A. City Council Meeting Minutes of January 12, 2016

VI. PRESENTATIONS/PUBLIC HEARINGS RECOGNITIONS/PROCLAMATIONS

A. Annual Prosecution Report – David Jacobsen, Attorney

VII. ENGINEERING

A. Update 1st Street Reconstruction
B. Update on Fire Facility Project
C. Transportation Funding
   1. Resolution 2016-05: A Resolution Supporting Dedicated State Funding for City Streets

VIII. LEGAL

A. City Council Salary Increase

IX. FINANCIAL

**A. January 2016 Treasurer's Report
**B. Payment of Claims

X. OLD BUSINESS

A. Request for Proposal – Residential Garbage Service
B. Update on 2016 EDA Annual meeting

XI. NEW BUSINESS

A. "Lost Highway" Performance Agreement for Rose Fest Band
B. Parking in the 600 Block of 2nd Street
C. Hiawathaland Transit Letter of Support

D. Schweichs Inc. Liquor License Renewal
E. 2015 Wastewater Treatment Facility Operational Award
F. Approve Hiring of Part-Time Bartender/Clerk for Municipal Liquor Store

XII. OTHER BUSINESS

A. Schedule of Upcoming Meetings
1. EDA Special Meeting: Tuesday, February 23rd @ 8 a.m. at City Hall
2. City Council Meeting: Tuesday, March 8th @ 7 p.m.

XIII. COUNCIL AND STAFF GENERAL COMMENTS

8:00 XIV. ADJOURNMENT

M E M O R A N D U M

TO: Honorable Mayor and City Council
FROM: Mark Vahlsing, City Administrator
RE: Meeting of February 9, 2016

Attached please find the agenda and related materials for Tuesday's meeting.

I. CALL TO ORDER AND ROLL CALL

II. CITIZEN COMMENTS

III. ADOPT AGENDA

MOTION NEEDED

IV. CONSENT AGENDA

The Consent Agenda contains the following items for approval:
Regular City Council Meeting Minutes of January 12, 2016
January 2016 Treasurer's Report
Payment of Claims

MOTION NEEDED

V. APPROVAL OF MINUTES

Consent Agenda Item

VI. PRESENTATIONS/PUBLIC HEARINGS

Annual Prosecution Report – David Jacobsen, Attorney

Attorney Jacobson will be in attendance at the council meeting. He will review a summary of prosecution activities from last year. See report in Council packet.

VII. ENGINEERING *(Joe Rhein will be in attendance at this meeting.)*

Update on 1st Street Reconstruction Project

The City Engineer will provide an update on the status of the project.

Update on Fire Facility Project

The City Engineer will provide an update on the status of the project.

Transportation Funding:

Resolution 2016-05: A Resolution Supporting Dedicated State Funding for City Streets

MNDOT is requesting support of cities to request dedicated funding from the legislature for local street improvements. The City received state aid funding last year of approximately $45,000 for local street improvement costs. This was a one-time appropriation. This resolution would request the establishment of an annual dedicated funding source to assist cities under 5000 population with street maintenance and construction costs. The City engineer will discuss this item further.

MOTION NEEDED

VIII. LEGAL *(City Attorney Scott Riggs will be in attendance at this meeting.)*

City Council Salary Increase

The City Attorney will discuss this item further. A break-down of the current Mayor and Council Salaries is included in the packet.

IX. FINANCIAL

January 2016 Treasurer's Report – Consent Agenda Item
Payment of Claims – Consent Agenda Item

X. OLD BUSINESS

Request for Proposal – Residential Garbage Service

Included in the packet is the RFP that was sent to area garbage haulers for residential pick-up services. It was reviewed by the City attorney. The RFP's are due back by February 26. A Council work session should be scheduled for the week of February 29 to review the RFP's that were returned.

Update on 2016 EDA Annual meeting

Incentives for new home construction

The EDA discussed considering options for the establishment of some type of down payment assistance program targeted at new construction. The EDA has discussed this concept in the past. Before further discussion the EDA would like to see a commitment from Bigelow Homes to match any assistance provided by the EDA. $1,500-$3,000 per eligible owner occupied new home construction project was discussed as a possible amount that the EDA would consider in down payment assistance. This item will be discussed further at a special EDA meeting to be held on February 23.

Possible sites for additional Commercial/light industrial land

The EDA discussed No change is the status of the two sites.

1. Nielsen Property on Goodhue County Road 12.
2. Property behind Mattress Factory.

There was no change in the status of these sites. Foldcraft has indicated that there is an approximately 30 acre area they would consider selling all or a portion of to the EDA / City. The area is located south of the plant. The EDA will be meeting with the president of Foldcraft at the February 23 special meeting to discuss the possible land sale further.

Possible Business Survey

The EDA discussed conducting a University of Minnesota Extension Service business survey program in the City. The program involves conducting surveys through the Business Retention and Expansion Program. Below is a summary from the University:

"The BR&E Strategies program has been used by over 60 Minnesota communities, including neighborhoods, cities, counties, groups of counties and communities of identity or common issue. Programs have focused on businesses in manufacturing; combinations of manufacturing, retail, and services; tourism; livestock; farming; and technology. Although there is considerable flexibility in the type of BR&E program a community may select to do, a high level of local interest and involvement is necessary to ensure the program's success in a community.

The process takes about 2-3 years and involves commitment to business retention and expansion from your community members and professionals. But in the end, your community will be truly engaged in a business retention and expansion plan. U of M Extension provides guidance and support."

The Extension service tabulates and summarizes the data collected. They then will prepare a summary report with recommendations. A county-wide program may be another option to discuss. Further information and a sample survey are included in the packet.

Be loyal – Buy local - Retail marketing campaign.
Mayor Engel discussed a marketing campaign that focuses on buying locally: "Be Loyal Buy Local". Local businesses could display a decal that would have the Kenyon Logo and the "Be Loyal…" slogan. We will also coordinate this program with KABA and local businesses. This type of program can also involve some type of rewards program for buying local. The City of Blue Earth has a similar campaign.

XI. NEW BUSINESS

"Lost Highway" Performance Agreement for Rose Fest Band
A copy of the draft contract is attached. It is the same as last year contract.
MOTION NEEDED

Parking in the 600 Block of 2nd Street
After complaints from a downtown business owner, Chief Sjolander would like to discuss the idea of restricted parking in the downtown area.

Hiawathaland Transit Letter of Support
Three Rivers Community Action currently operates Hiawatha Transit in areas of Goodhue, Wabasha, Rice, Winona, and Olmsted Counties. They are interested in establishing service in the Kenyon and Wanamingo areas. The transit service is partially funded 80% through MNDOT with the remainder coming from communities, and rider fares. A specific breakdown of funding and further information on the service is included in the meeting packet. Initially, Three Rivers would need to conduct survey work to determine if there would be demand for the transit service. A representative from Three Rivers will be attendance at the Council meeting.

Schweich's Inc. Liquor License Renewal
Annual renewal for Liquor, Sunday and Outdoor patio license.
MOTION NEEDED

2015 Wastewater Treatment Facility Operational Award
The City has received a 2015 Wastewater Treatment Facility Operational Award from the MPCA. Wastewater Operator Steve Baalson was noted for exceptional facility operations including effluent limits not being exceeded, timely report submittal, and no unauthorized flow releases. The award will be presented in March at the State Wastewater Operators Conference in Brooklyn Park. Further information is included in the meeting packet.

Approve Hiring of Part-Time Bartender/Clerk for Municipal Liquor Store
Liquor Store Manager Bartel is seeking Council approval to hire Amanda Vahlsing for a part-time (1-2 shifts a week) at the Muni. She has previous liquor server experience.
MOTION NEEDED

XII. OTHER BUSINESS

SCHEDULE OF UPCOMING MEETINGS

Please see your agenda

XIII. COUNCIL AND STAFF GENERAL COMMENTS

XIV. ADJOURNMENT

Please contact me, if you have any questions or require additional information.

Pursuant to due call and notice thereof, a City Council Meeting was duly held in the City Council chambers at 7:03 p.m. on the 12th day of January, 2016. The following members were present: Mayor Mike Engel, Council Members, Fred Barsness, Richard Nielsen, John Mortensen, and Doug Henke. Also present: Administrator Mark Vahlsing, Engineer Joe Rhein, Attorney Scott Riggsand Administrative Assistant Pam Blow

CITIZEN COMMENTS

Wayne Medcraft informed the council of a fundraiser/dinner to be held on January 30th from 5 – 8 p.m. It is sponsored by the American Legion, and proceeds will benefit the youth baseball program and others.

ADOPT AGENDA

Motion by Nielsen seconded by Mortensen to approve the agenda as presented. Motion carried 5-0-0.

CONSENT AGENDA

Motion by Nielsen seconded by Mortensen to approve the Consent Agenda, which includes payment of check numbers, 64078 through 64231; 2477E through 2500E; and additional checks 64255 through 64268. Motion carried 5-0-0.

ENGINEERING

1st Street Reconstruction Project – Plans and Specifications

According to Engineer Rhein, the plan set for the project is completed, along with a cost estimate. The next step is to advertise for bids. The sidewalk extension along the north side of 1st Street will be listed as an alternate. The hydrant will be done by KMU and has been removed from the plans. The engineers estimate was $538,982, which is $23,705 less than the estimate given in the feasibility report. After some discussion, it was determined that the request for bids would be published in the Kenyon Leader (January 27th) and a trade publication (January 27th and February 3rd). The bid opening would be at City Hall at 2 p.m. on February 25, 2016. The council would consider award of the bid at their meetingon March 8, 2016.

Resolution 2016-04: A Resolution Approving Plans and Specifications and Authorizing Call for Bids

Motion by Engel, second by Nielsen to approve Resolution 2016-04. Motion carried 5-0-0

Update on Fire Facility Project

According to Engineer Rhein, the architect is refining the project and laying out various systems. Rhein suggested that a work session be held on February 9th, prior to the regular city council meeting to review the plans. The USDA funding application is partially complete, and it should be done in early February, according to Rhein. Advertising for bids should occur in April.

LEGAL

2016 Appointments and Designations

- Planning Commission – 2 Year Term – Donald Woodward, Dennis Wickum, Dan Lexvold
- Public Utility Commission – 3 Year Term – Jim Malloy
- Library Board – 3 Year Term – Pat Senjem
- Economic Development Authority – 4 Year Term – Mike Engel
- Miscellaneous Appointments
  - a. Acting Mayor – Fred Barsness
  - b. Legal Newspaper – Kenyon Leader
  - c. Depository – Security State Bank
  - d. City Attorney – Scott Riggs, Kennedy & Graven
  - e. Prosecuting Attorney – David Jacobsen, Hero, Jorstad & Jacobsen Law Firm, PA
  - f. City Engineer – Joe Rhein, Bolton & Menk
  - g. City Auditor – Smith ♦ Schafer and Assoc., Ltd
  - h. Financial Consultant – Per Project Basis
  - i. Investments – As Allowed Per Minnesota Statutes
  - j. Deputy Clerk – Pam Blow
  - k. Weed Inspector – Mike Engel
  - l. Audit Committee – Rick Nielsen, Sue Dodds and Mark Vahlsing
  - m. Personnel Committee – Mike Engel, Fred Barsness and Mark Vahlsing

n. Liquor Committee– Diane Barrett, Rick Nielsen, Bryan Haugen and Mark Vahlsing
o. Kenyon Fire Relief Association– Mike Engel, Mark Vahlsing

Motion by Barsness, seconded by Nielsen to approve 2016 appointments. Motion carried 5-0-0.

Resolution 2016-01: Establishing License Fees and Compensation
Motion by Nielsen, seconded by Mortensen to approve Resolution 2016-01. Motion Carried 5-0-0.

VFW Annual Dance Permit
Annual Refuse Licenses
Flom Disposal Inc., Gibson Sanitation, Countryside Disposal (Commercial, Temporary rolloff, dumpster)
Annual Recycling Licenses
Flom Disposal Inc., Goodhue County Public Works, Waste Management
Annual Sidewalk Obstruction Licenses
Kenyon Ace Hardware, Kenyon VFW Post 141, Kenyon Leader, Write On, Schweichs, Mary's Rustic Rose

Motion by Barsness, seconded by Henke to approve the above Dance Permit, Sidewalk Obstruction Licenses, Refuse and Recycling licenses, with the exception of Waste Management's Refuse license that will be discussed under New Business / B /. Motion carried 5-0-0.

Kennedy & Graven 2016 Rates for Legal Services
According to the letter from Attorney Riggs, there will be a small increase in the hourly rate. Motion by Engel, second by Nielsen to approve the rates for legal services. Motion carried 5-0-0.

LTD Broadband Water Tower Lease Agreement
This item and Resolution 2016-02 (Approving the Agreement) was tabled.

OLD BUSINESS
Fire Hall Financing – George Eilertson, Northland Securities
According to Mr. Eilertson, the USDA loan process is going well and the loan would be for up to 40 years at 3-5/8% interest. With a USDA loan, no funding will be allocated during construction, so interim financing will be required. Mr. Eilertson estimates that interim interest during construction will cost $31,000. The interim financing would be needed starting in May or June, 2016, for several months. The interest rate would be less than one percent because of the short term, and can be rolled into the permanent financing. According to Eilertson, Northland will provide recommendations for the short-term financing and they will approach local lenders.

When the cost of the Fire Department is known, the Capital Improvement plan bonds required by the USDA are in place and we will be ready to provide security for the loan. The Capital Improvement bonds are tied to market value (estimated to be $90 million) and would include all debt. Mr. Eilertson will be discussing the repayment of the City Hall debt with Administrator Vahlsing in an effort to satisfy the maximum allowable principal and interest of the USDA loan. Currently, it is estimated that annual payments can be no more than $143,000, and we would need to stay at or below that amount, including the new fire hall.

NEW BUSINESS
City Council Recite the Pledge of Allegiance at the beginning of Council Meetings
This request, made by Councilman Henke, would be a way to give back and pledge to our country. According to Attorney Riggs, reciting the Pledge is a local decision. Motion by Mortensen, second by Barsness to recite the Pledge of Allegiance prior to the start of future council meetings. Motion carried 5-0-0.

Discuss Issues with Waste Management Residential Solid Waste Pickup
According to Administrator Vahlsing, everyone in the City office does not take this lightly, and we would always try to work things out with a vendor. We are entering our third year with WM, and there have been many problems with missed pickups being primary. The first year was a transition from a local hauler to a large company. The problem is that we continue having issues with missed pickups, which result in staff time to contact WM to resolve the issue. Administrator Vahlsing informed WM that the issue of continued missed pickups would be brought back to the council. If a new company were to come in, they would need to buy cats.

Attorney Riggs noted that our agreement with WM follows the City Code and statutes. If the council would decide to change contractors, according to the contract, it would have to be for "cause". According to Riggs, we are not prevented from seeking quotes from other vendors. Riggs noted that the City doesn't want to be without this service, and there is no cancellation option in the contract for WM. Councilman Barsness commented that a new company would want to have a 4-5 year contract. Councilman Mortensen noted that Zumbrota just ended their contract with WM. Councilman Henke noted that his main concern is not having a hauler.

Motion by Nielsen, second by Engel to approve a 90-day residential refuse license for WM; inform WM of the issues/concerns; and get quotes from other haulers. Motion carried 50-0.

Resolution 2016-03: A Resolution Authorizing Acceptance of 2015 Donations
Motion by Barsness, seconded by Nielsen to approve Resolution 2016-02. Motion carried 5-0-0.

Resignation of Scott Quamme from Kenyon Fire Department
Councilman Henke mentioned awarding Mr. Quamme with some type of recognition of his service. This will be discussed with Fire Chief John Lee. Motion by Nielsen, seconded by Mortensen to approve the resignation. Motion carried 5-0-0.

Request for Increase in monthly Fee for Prosecution Services
According to the letter from Attorney David Jacobsen, the fee would increase $50 per month, and total $12,000 per year. Attorney Riggs commented that he highly recommends Jacobsen's services as the prosecutor.
Motion by Engel, seconded by Nielsen to approve the fee increase. Motion carried 5-0-0.

Carriage & Cutter Day Requests for February 27, 2016
Motion by Mortensen, seconded by Henke to approve the street closings, parade route/permit, detour and parking restrictions, use of Fire Hall for the meal, and $1,000 donation Motion carried 5-0-0.

OTHER BUSINESS
Schedule of Upcoming Meetings
EDA Annual Meeting: Tuesday, January 26th @ 8 a.m. at Foldcraft
SEMLM Annual Meeting: Wednesday, January 27th in Byron
City Council Meeting: Tuesday, February 9th @ 7 p.m.
City Council Work Session: Tuesday, February 9th @ 6 p.m.

COUNCIL AND STAFF GENERAL COMMENTS
Engineer Rhein thanked the council for choosing Bolton & Menk as the city's engineer, and commented that it has been a pleasure working with the City over the past year.

Councilman Nielsen asked about a salary increase for the council. Mayor Engel noted that it can be put on the agenda for next month. Attorney Riggs commented that any increase would be effective after the next election.

Councilman Barsness thanked public works employees for the good job cleaning up the snow and reminded people to clean out snow around the fire hydrants.

Motion Nielsen, seconded by Mortensen to adjourn the meeting at 8:20 p.m. Motion Carried 5-0-0.

Pam Blow, Administrative Assistant

Michael Engel, Mayor

ANNUAL MUNICIPAL PROSECUTION REPORT

KENYON, MINNESOTA

Prepared by: David W. Jacobsen, Kenyon City Prosecutor

HERO, JORSTAD & JACOBSEN LAW FIRM, P.A.

February 6, 2016

February 6, 2016

Honorable Mayor and City Council
City of Kenyon
709 Second Street
Kenyon, Minnesota 55946

RE: ANNUAL MUNICIPAL PROSECUTION REPORT

This written report is to apprise the Honorable Mayor and the Kenyon City Council of the municipal prosecution services provided for 2015 by Hero, Jorstad & Jacobsen Law Firm, P.A. (the "Law Firm").

1. PROSECUTED OFFENSES

Prosecuted offenses include all charged offenses that required prosecutorial action before Goodhue County District Court. For the purposes of this report, prosecuted offenses do not include payable citations paid in lieu of a court appearance. These citations, which make up the majority of citations issued by law enforcement within the City of Kenyon, require minimal prosecutorial resources. Chief Sjolander would likely be able to provide the number of citations issued for payable offenses. Prosecuted offenses also exclude matters that were reviewed for prosecution but where no charges were filed. There were approximately thirteen (13 not updated) cases reviewed for prosecution but were ultimately declined due to lacking evidence, lacking jurisdiction (e.g. Juvenile matters, felony matters, outside of Kenyon city limits), or other extenuating circumstances.

Excluding payable citations, the Law Firm prosecuted fifty-six (56) offenses from January 1, 2015 to December 31, 2015. This number is only up one since the (55) offenses for 2014. However, since 2011 the number has decreased fairly significantly, in 2011 the number was sixty-seven (67) and 2012 had seventy-one (71) before coming down to fifty-six (56) in 2013. The number of prosecuted offenses has remained consistent since then as 2013 had fifty-six (56), 2014 with fifty-five (55) and 2015 finishing with fifty-six (56) once again.

Please see Figure 1 below for an illustration of the total prosecuted offense from 2011-2015.

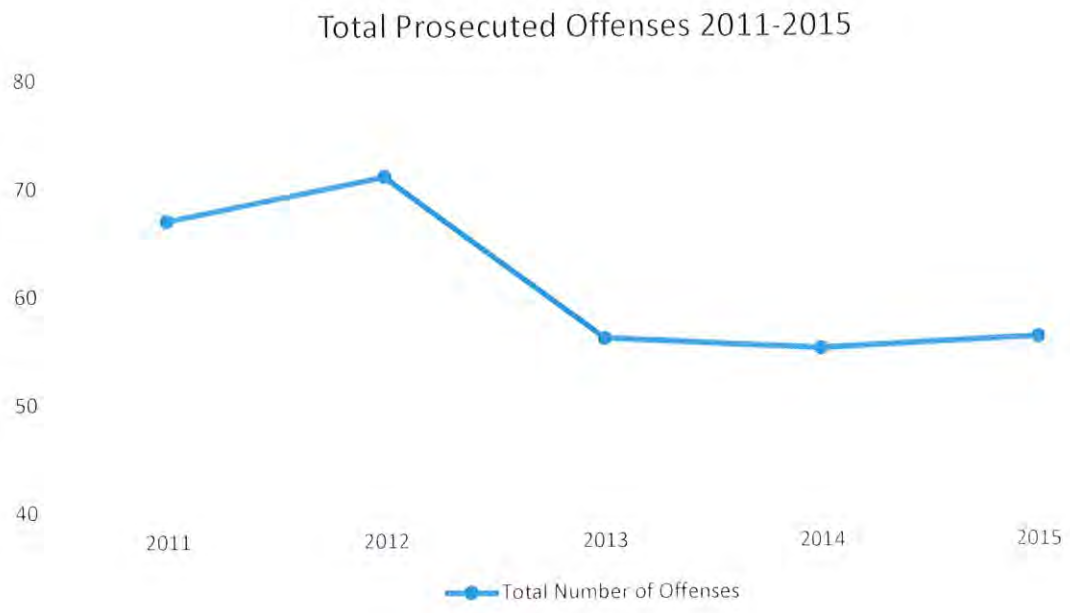


Figure 1

A. Traffic Offenses

Of these offenses, thirty (30) or almost fifty-four percent (54%) consist of traffic offenses. Traffic offenses prosecuted consist of the following: alcohol-related driving offenses (9), driving after withdrawal/no driver's license violations (9), miscellaneous petty misdemeanor traffic offenses (3), failure to provide proof of insurance (4), marijuana in vehicle (2) and open bottle offenses (3).

As compared to 2014, the prosecuted traffic offenses remained consistent, in 2014 there were 32 traffic offenses and 2015 finished with 30. Over the past five years there have been only one year in which there was a significant change, that being 2013 where it decreased by 50% from 34 in 2012 to 17 in 2013 and back up to 32 in 2014. Alcohol-related driving offenses have stayed consistent since 2011 except for 2013 where there was only one. Driving after withdrawal offenses and no driver's license violations were up one to nine (9) from eight (8) in 2015. This specific offense averages almost 30% of traffic offenses each year since 2011. Miscellaneous petty offenses have continually decreased in the past five years starting at thirteen (13) or thirty-two (32%) of traffic offenses to three (3) or ten (10%) of traffic offenses in 2015.

Please see Figure 2 on the next page for an illustration of the traffic offenses from 2011-2015.

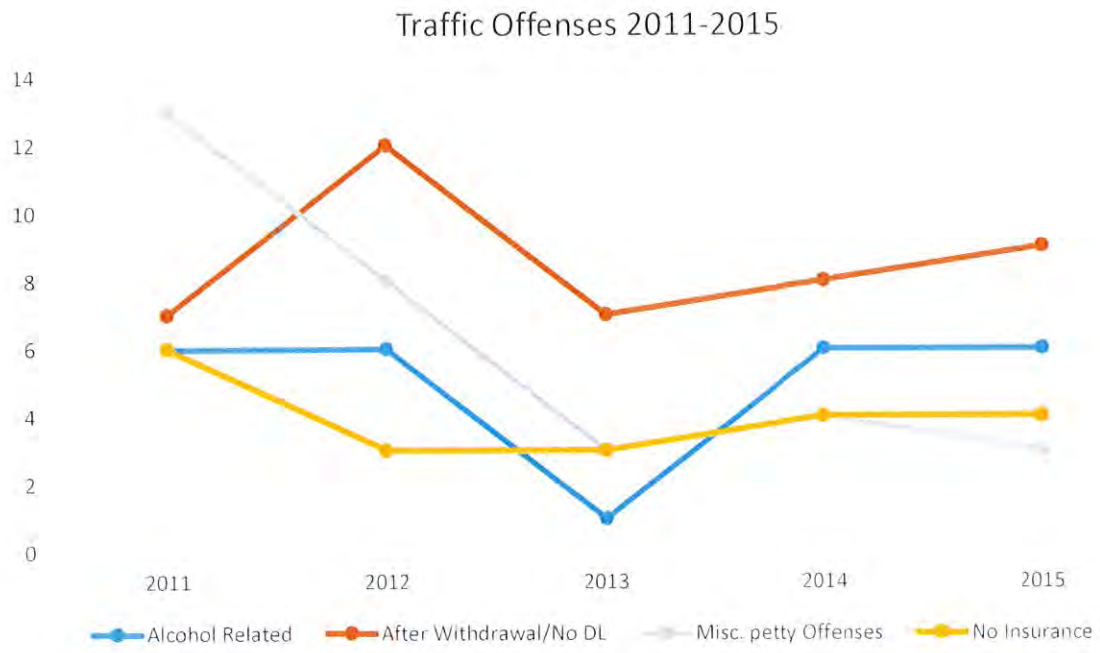


Figure 2

B. Community Offenses

Of the prosecuted offenses, twenty-six (26) or forty-six percent (46%) consist of community offenses. Community offenses prosecuted consist of the following: probation violations or revocations of stays of adjudication (2), assaults/order for protection violations (7), disorderly conduct (6), underage consumption (4), and drug possession or paraphernalia (7).

As compared to 2014, prosecuted community offenses remained about the same (23 in 2014), the community offenses consist of forty-six percent (46%) of overall offenses, a slight increase from 2014 with forty-two percent (42%). As for specific offenses, domestic assaults, order for protection violations, misdemeanor assaults, were up from 2 to 7 but have remained at least 22% of all community offenses every year besides 2014. Disorderly conducts remained consistent, going down only one from 7 to 6. These numbers are up from 2012 but are slightly less than the number of these offenses in 2011. Probation violations and revocations of stays have decreased from 21 in 2012 to 13 in 2013 and 2014, but dropped dramatically to 2 in 2015. Of the probation violations or revocations of stays, most are not due to recidivism but not complying with a condition of probation or a stay such as completing treatment or paying fines.

Please see Figure 3 on the next page for an illustration of the main community offenses from 2011-2015.

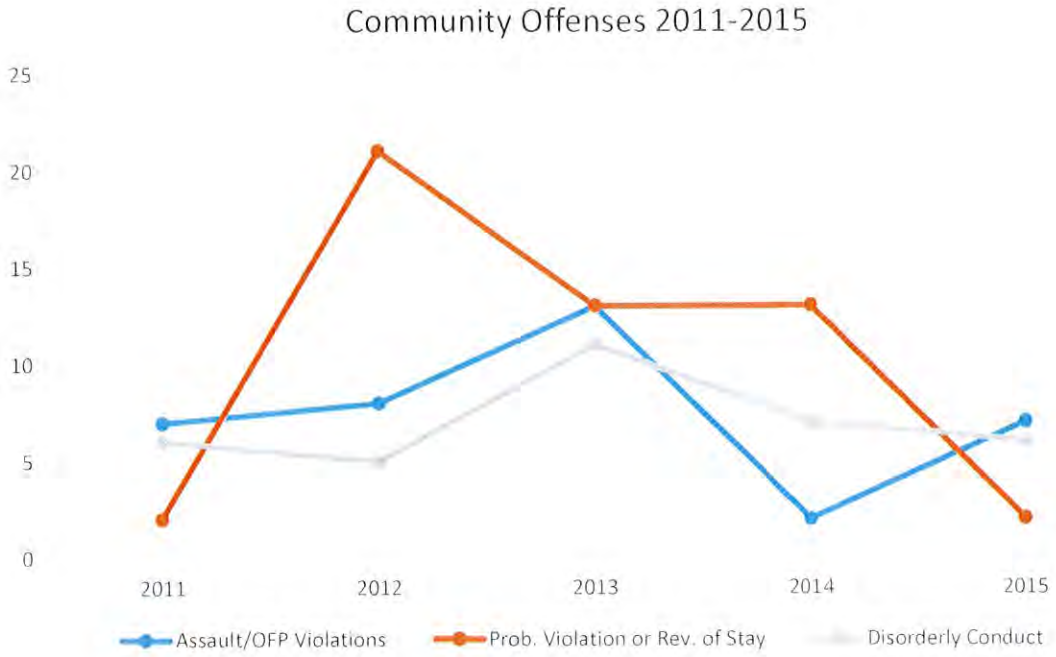


Figure 3

C. Dispositions

For the above-mentioned offenses, fifty-one (51) or ninety-one percent (91%) have reached disposition and are closed. Dispositions ranged from dismissals with a fine to executed jail sentences based upon the severity of the offense and the defendant's driving and criminal history. Of those cases that reached disposition, dispositions occurred at different stages in the criminal prosecution process. Many cases were resolved at Arraignment or the defendant's first court appearance and others were resolved at a pre-trial court appearance, omnibus hearing or trial. As of December 31, 2015, five (5) files or nine percent (9%) remain open cases.

2. PROSECUTION RESOURCES

In 2015, the Law Firm has submitted monthly statements to the Chief of Police and city staff detailing prosecutorial services provided on specific dates and the time spent toward such services in 1/10 hour increments.

Over the course of 2015, the highest monthly total of hours toward prosecutorial services was 16 hours in January, whereas in November, the lowest, the Law Firm provided only 4.5 hours of prosecution services. The average amount of monthly hours spent toward prosecution services is 11.1 hours in 2015, a decrease from 2014's 14.9 hours. These numbers are approximate as often times attorneys take phone calls or respond to emails and do not capture all time spent toward the City of Kenyon prosecution matters.

The Law Firm make court appearances on the second and fourth Thursday of each month and other appearances scheduled outside those days. In addition to court appearances, the Law Firm prepares

criminal complaints, communicates with defense counsel and crime victims, processes discovery requests, prepares discovery and pleadings, and communicates with law enforcement officers and records staff. The most time intensive of these out-of-court services is preparing criminal complaints. Of the fifty-six (56) total prosecuted offenses, the Law Firm filed nine (9) criminal complaints, that being sixteen percent (16%) of the prosecuted cases. The Law Firm also devotes time to prepare monthly case disposition reports. The reports are provided to law enforcement and detail the particular status of matters the prosecutor has worked on during the month. These reports provide law enforcement officers feedback on the progress of their cases.

In addition to the services mentioned above, the Law Firm devotes time to collaborating with other criminal justice partners in Goodhue County, reviewing court opinions that impact the City of Kenyon and attend continuing legal education to stay current on changes in the law, especially in the area of DWI law. This is time necessary to competently advise and represent the City of Kenyon but is not solely for the benefit of the city so is not reflected on the monthly statements.

Please see Figure 4 below for an illustration of Hours toward Prosecution from 2014-2015.

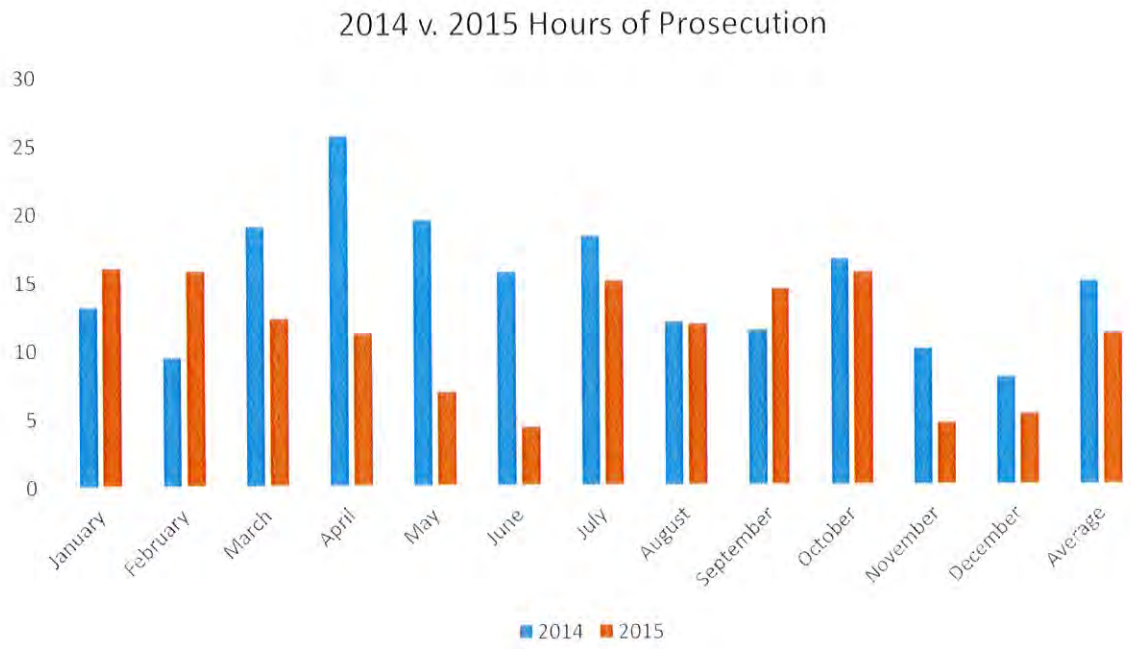


Figure 4

3. FINE REVENUE

When a defendant is convicted of an offense, the defendant is ordered to pay a base fine which ranges based upon the level of offense plus a court surcharge ($75) and library fee ($13). The City of Kenyon receives 2/3 of the base fine, while the remainder is directed to Goodhue County and the State of Minnesota. The Goodhue County Court Administrator prepares monthly fine revenue reports and remits them to the Kenyon Police Chief and the Law Firm. The reports received and

reviewed indicate fine revenues to the City of Kenyon ranging from $136.65 to $1482.02 per month. The total fine revenue remitted back to the City of Kenyon for 2015 was approximately $7,093.99. This number is up almost forty percent (40%) from 2014.

Please see Figure 5 on the next page for an illustration of Fine Revenue Yearly Totals from 2011-2015.

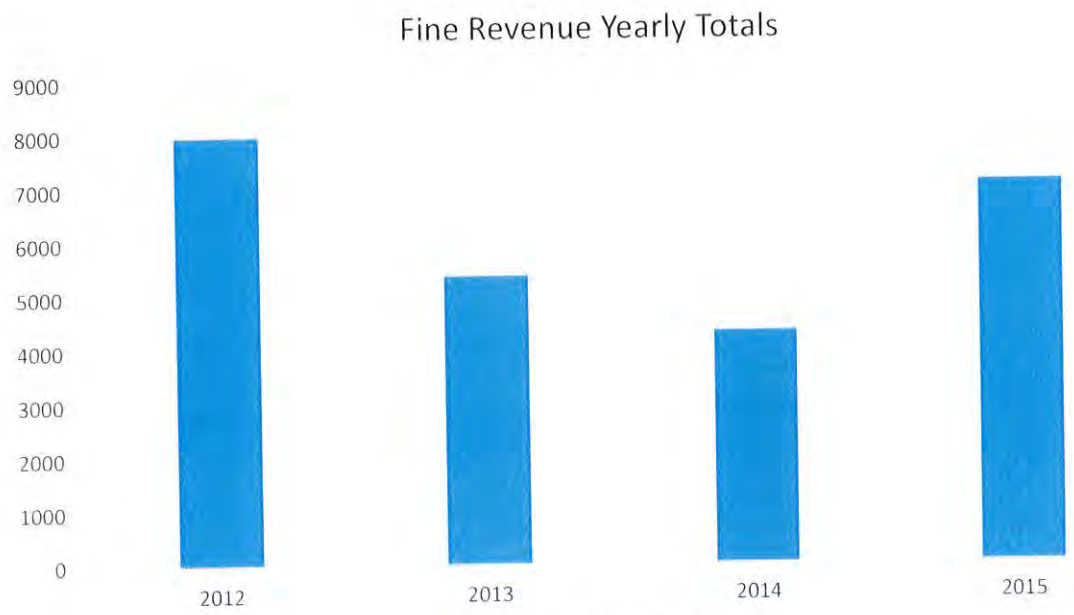


Figure 5

It has been my pleasure serving the City of Kenyon as its municipal prosecutor and I look forward to continuing that public service in 2016. I do appreciate any additional suggestions or questions from law enforcement, city staff, city council and the public.

If you have any questions, please feel free to contact me.

Sincerely,

HERO, JORSTAD & JACOBSEN LAW FIRM, P.A.

David W. Jacobsen

KENYON CITY PROSECUTOR

CITY OF KENYON
RESOLUTION 2016-05
A RESOLUTION SUPPORTING DEDICATED STATE FUNDING FOR CITY STREETS

WHEREAS, Minnesota contains over 141,000 miles of roadway, and over 19,000 miles—or 13 percent--are owned and maintained by Minnesota's 853 cities; and

WHEREAS, over 80 percent of municipal streets are ineligible for dedicated Highway User Tax Distribution Fund dollars; and

WHEREAS, the more than 700 Minnesota cities with populations below 5,000 are ineligible for dedicated Highway User Tax Distribution Fund dollars; and

WHEREAS, city streets are a separate but integral piece of the network of roads supporting movement of people and goods; and

WHEREAS, existing funding mechanisms, such as Municipal State Aid (MSA), property taxes and special assessments, have limited applications, leaving cities under-equipped to address growing needs; and

WHEREAS, city cost participation in state and county highway projects diverts resources from city-owned streets; and

WHEREAS, maintenance costs increase as road systems age, and no city--large or small—is spending enough on roadway capital improvements to maintain a 50-year lifecycle; and

WHEREAS, for every one dollar spent on maintenance, a road authority--and therefore taxpayers--save seven dollars in repairs; and

WHEREAS, cities need greater resources, including an additional dedicated state funding source for transportation, and flexible policies in order to meet growing demands for street improvements and maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF KENYON that the City of Kenyon supports an omnibus transportation funding bill that provides additional dedicated state funding for city streets including funding that can be used for non-MSA city street maintenance, construction and reconstruction.

ADOPTED by the City Council of the City of Kenyon this 9th day of February, 2016.

_____
Michael G. Engel, Mayor

ATTEST:

_____
Mark R. Vahlsing, City Administrator

Helpful Tips for Being a Great Advocate for Your City

Take action now!

Everything from one call to your legislator to coming to the Capitol makes a difference. Listed below are several examples of the wide variety of city advocacy efforts. While none may exactly fit your city's needs and means, cities of any size can take parts of each of these ideas and implement them today in an effort to better tell their city story. *Which of the following have you done, or will you do before March?*

- ☐ Give tours of your city (on foot or by bus). {Show your transportation needs in person}
- ☐ Invite legislators to speak at your City Council meeting. {Or invite them to your budget hearing}
- ☐ Call, write or e-mail legislators throughout the year. {Be sure they know how to contact you}
- ☐ Coordinate your own day at the Capitol with local business and chambers of commerce leaders. {Contact Laura and Heather for help organizing!}
- ☐ Consider bussing citizens from your city to the Capitol help share your city's story and to increase your visibility. {Bemidji, Rochester, and Duluth do a great job at this}
- ☐ Inform area media of your advocacy efforts and localize your examples: write a column in your local newspaper, take calls on a local radio station, speak to your local chamber or rotary club, write an Internet blog, or discuss city priorities on local cable access. {Legislative staff track these items and they are noticed}
- ☐ Partner with neighboring cities, towns, your county, and school districts. {This is huge}
- ☐ Pass a resolution & send copies to your legislators and the League {See www.lmc.org/transpo}

Lobbying 101

Think about how you like to hear from your constituents and replicate that when communicating with your legislators.

- **KISS principle—Keep It Short & Simple!** Your message should be brief, basic, and easy to understand. You may only have a few minutes to convey a complex issue. Avoid using acronyms, inside baseball terms, and city-speak. {Stick to three main points, or less}
- **Tell the truth.** Know the issue, know the facts, and never lie about an issue. If you don't have an answer, say so and offer to get an answer and get back with the information. Trust and reliability of your information is essential. {Ask LMC Staff for help if you or your legislators need more information on an issue}
- **Be Polite to the players.** Never underestimate the importance of staffers who are the prime sources of information for their bosses. Legislative staff provide institutional knowledge and often stick around longer than the elected officials.
- **Expectation management.** Know what your legislators can and cannot do for you. Reach for the stars, but prepare yourself for incremental change. {If your legislator contacts you during session with a question, you know you've reached built a great relationship}
- **Follow-up.** Always write a thank-you note and respond to any outstanding concerns or unanswered questions from your meeting. This brings closure to your meeting and sets a positive tone for your next meeting. {This is huge!}

We want to help!

League of Minnesota Cities Contacts:
Heather Corcoran | hcorcoran@lmc.org | 651-281-1256
Laura Ziegler | lziegler@lmc.org | 651-281-1267

FOR IMMEDIATE RELEASE

Contact:

(NAME OF CITY) City Council approves transportation funding resolution

At its meeting held on (DATE), the (CITY) City Council approved a resolution drafted by the League of Minnesota Cities that calls for the state legislature to provide additional funding for city streets in the state. That funding would be used for non-Municipal State Aid (MSA) city street maintenance, construction and reconstruction.

(IF APPLICABLE) Because the City of (NAME) is one of 700+ cities in Minnesota that has a population of less than 5,000, it is ineligible for dedicated Highway User tax Distribution Fund dollars, and currently relies on local property taxes and other local income sources such as (LIST) for funding of street maintenance and repair.

(*QUOTE FROM MAYOR OR COUNCILMEMBER HERE, perhaps mention some specific challenges to your area related to lack of transportation funding impacting economic development, specific road maintenance projects, or lack of transit impacting residents, etc.)*

Currently, Minnesota contains over 141,000 miles of roadway with more than 22,500 miles—or 16 percent—owned and maintained by the state's 853 cities. Adequately funded city streets are essential to mobility and economic vitality in each of those communities.

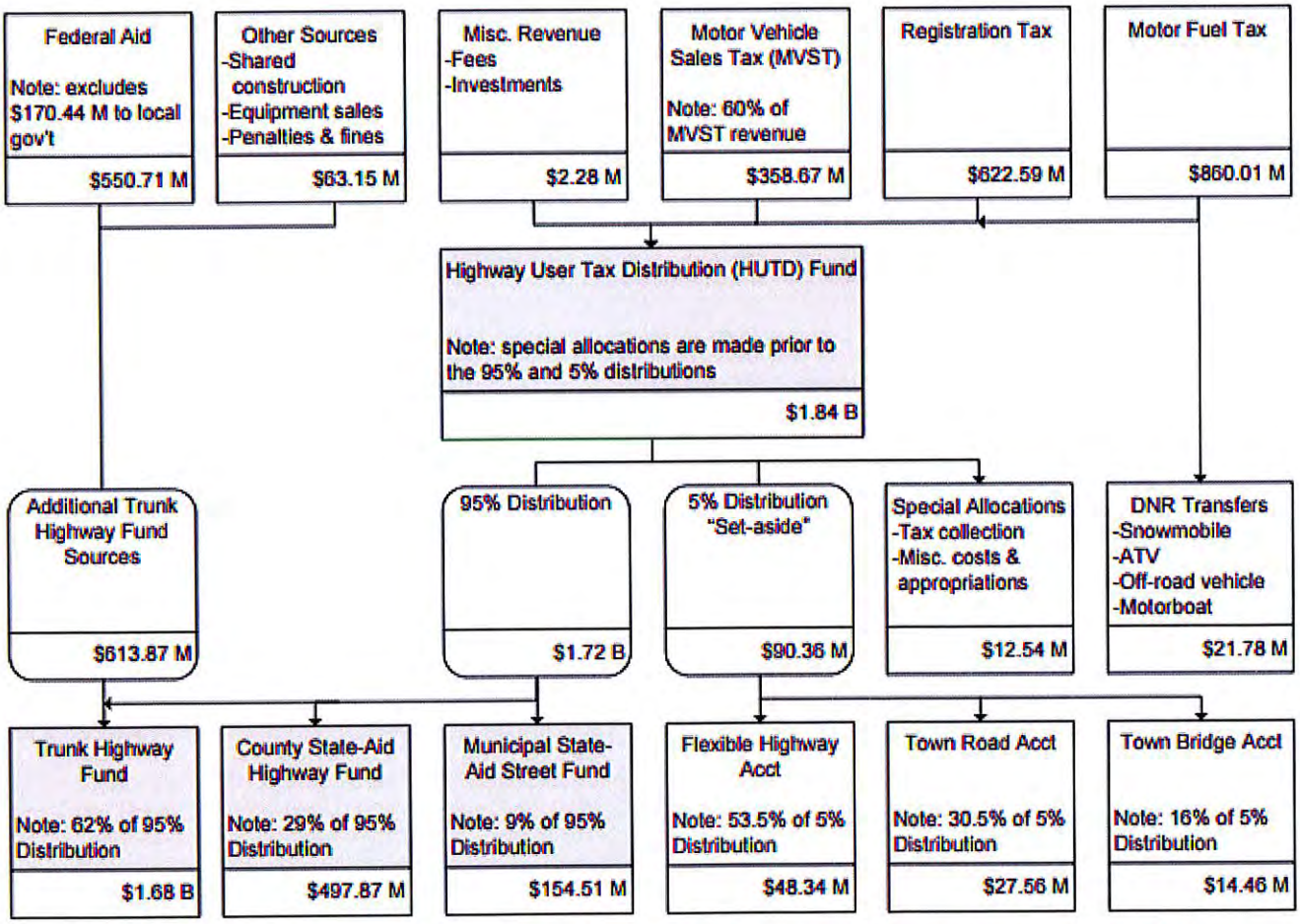
The League is encouraging all member cities to pass resolutions during this legislative session because existing funding mechanisms have limited applications, leaving cities under-equipped to address growing needs. The League's Board of Directors passed a similar resolution on February 19 demonstrating support for new dedicated state funding for city streets. That resolution was later presented to legislators, Gov. Dayton, and other transportation funding stakeholders.

---END---

TRANSPORTATION FUNDING IN MINNESOTA
A MYTH-BUSTING FACT SHEET

A Guide for MN Cities

The Big Picture: Under the Minnesota Constitution, revenues from the gas tax, vehicle registration, and motor vehicle sales tax must be used for specific transportation purposes. This fact sheet clarifies where Minnesota's transportation funding comes from, how it can be used (highways vs. streets vs. bridges vs. transit) and how it intersects with federal funding.



Note: excludes (1) proceeds from trunk highway and other general obligation bonds, and (2) $14.4 million in motor vehicle lease sales tax revenue.

League of MN Cities Contact: Anne Finn
afinn@lmc.org or (651) 281-1263

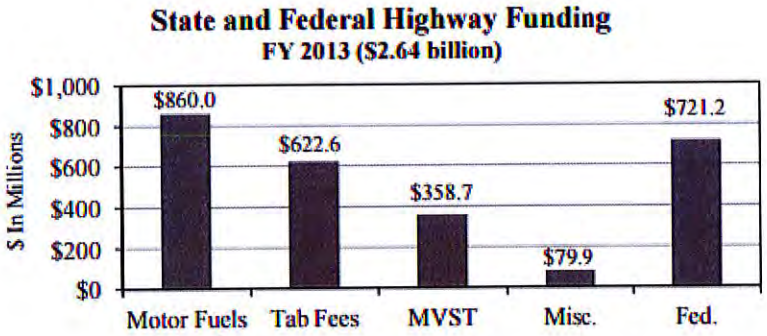
TRANSPORTATION FUNDING IN MINNESOTA
A MYTH-BUSTING FACT SHEET

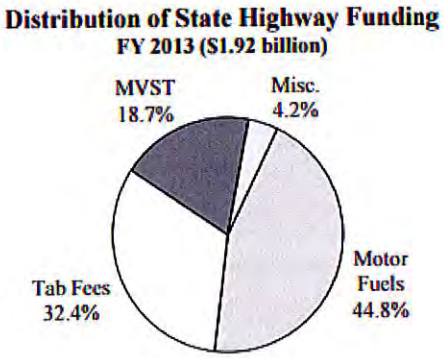
A Guide for MN Cities

Myth 1: Minnesota is not experiencing a major funding gap.

Minnesota has been experiencing a funding gap due to aging transportation infrastructure, rising costs for labor and road materials, and inflation. Costs have increased 55 percent over the last 20 years, but the federal gas tax (18.4 cents per gallon) has remained stagnant since 1993. The 28.5 cents per gallon Minnesota gas tax, last increased in 2012 as the final phase-in of legislation enacted in 2008, has not been indexed for inflation and is not keeping up with needs. Aging infrastructure is also a major factor. Maintenance costs increase as road systems age, and no city--large or small—is spending enough on roadway capital improvements to maintain a 50-year lifecycle.

The Minnesota Transportation Finance Advisory Committee (TFAC) convened by Governor Mark Dayton in 2012 concluded that the state has a $21 billion **shortfall** in transportation funding over the next 20 years—and that is just to keep the transportation system at its **current** level of service. The report estimates the annual funding gap (AFG) for municipal state aid (MSA) system is conservatively estimated at $100 million, while the non-MSA city street system AFG is between $250 million to $400 million. There is not adequate funding available and, even with MnDOT efforts to increase efficiencies, savings do not cover the funding deficit. Long-term, dedicated, and sustainable investments are needed.





Notes: (1) "Motor fuels" category includes revenue for fuel attributed to nonhighway uses; (2) "MVST" category only contains highway funding; (3) "Misc." category is primarily trunk highway system revenue and includes motor vehicle lease sales tax revenue; and (4) charts exclude bond proceeds.

League of Minnesota Cities Contact: Anne Finn
afinn@lmc.org or (651) 281-1263

TRANSPORTATION FUNDING IN MINNESOTA
A MYTH-BUSTING FACT SHEET

A Guide for MN Cities

Myth 2: Highways and transit compete for constitutionally dedicated transportation money.

The trunk highway system is funded through three constitutionally dedicated highway user taxes--gas tax, registration tax on motor vehicles, the motor vehicle sales tax (MVST). These make up the Highway User Tax Distribution Fund (HUDTF). Under the Minnesota Constitution, revenues generated from the state gas tax and vehicle registration can **only** be used for **roads and bridges**. Forty percent of the MVST, which is the smallest source of HUDTF revenues, is spent on Metro and Greater Minnesota transit. State dollars used for mass transit such as light rail are used to match federal funds for mass transit.

First, **95 percent** is distributed into dedicated highway funds, outlined in the following table.

Percent	Allocation	Use
62%	Trunk highway fund	Trunk highway construction, maintenance, and administration
29%	County state-aid highway (CSAH) fund	County roads in the state-aid system, apportioned to counties by two statutory formulas. Minn. Stat. § 162.07.
9%	Municipal state-aid street (MSAS) fund	City streets in the state-aid system, apportioned to cities by statutory formula. Minn. Stat. § 162.13.

Motor vehicle sales tax (MVST). Since fiscal year 2012, following a phase-in period, MVST revenue has been split among highways and transit, as follows. Minn. Stat. § 297B.09.

Percent	Allocation	Use
60%	Highway user tax distribution (HUTD) fund	State and local highways; further allocated by constitutional formula (in the same manner as outlined above)
36%	Metropolitan area transit	Transit in Twin Cities metropolitan area
4%	Greater Minnesota transit	Transit in Greater Minnesota

Motor vehicle lease sales tax. Following recent shifts, motor vehicle lease sales tax revenue (excluding Legacy funds) for fiscal year 2015 and after is distributed as follows.

Portion	Allocation	Use
First $32 million	General fund	Nondedicated state revenue
50% of remainder[4]	County state-aid highway fund	Certain Twin Cities metropolitan area counties[5]
50% of remainder	Greater Minnesota transit	Transit in Greater Minnesota

League of MN Cities Contact: Anne Finn
afinn@lmc.org or (651) 281-1263

TRANSPORTATION FUNDING IN MINNESOTA
A MYTH-BUSTING FACT SHEET

A Guide for MN Cities

Myth 3: The gas tax and vehicle registration tax pays for local roads.

Minnesota contains over 141,000 miles of roadway, and over 19,000 miles—or 13 percent--are owned and maintained by Minnesota's 853 cities. **84 percent** of municipal streets are **ineligible** for dedicated HUDTF dollars and are the responsibility of property taxpayers. The state gas tax (28.5 cents/gallon) and vehicle registration tax revenue is constitutionally dedicated strictly for highway purposes. Though city streets are essential to mobility and economic vitality in Minnesota communities, funding for those streets has remained largely unaddressed in transportation funding bills for over a decade. Some facts:

- Currently, the municipal state aid (MSA) system is limited to cities with populations over 5,000—only 147 of 853 cities in Minnesota—and cannot be applied to more than 20 percent of a city's lane miles. The Legislature did created the Small Cities Assistance Account in 2015, and funded it with $12.5 million in one-time money distributed through a formula to the 704 Minnesota cities with populations under 5,000. This funding is not permanent and does not address the funding challenges for cities with populations over 5,000 for their maintenance costs of non-MSA roads.
- Existing MSA is not meeting the needs of MSA cities.
- Property taxes and special assessments have limited use, leaving cities under-equipped to address growing needs.
- For every $1 spent on maintenance, a road authority saves $7 in repairs, but funding challenges have made it difficult to perform timely maintenance for preservation purposes.

Myth 4: The federal government will take care of Minnesota's transportation funding needs.

The nation's transportation bill, MAP-21, and its predecessor, SAFETEA-LU, provide major sources of funds for state and local transportation projects, including highways, transit, and local enhancement projects. Minnesota annually receives close to $1 billion. In the past, the law has been re-authorized every six years. Increasing vehicle fuel efficiency and the stationary federal gas tax rate is leading to serious underfunding of the Federal Highway User's Trust Fund. Congress has not enacted a long-term replacement and has resorted to short-term extensions 35 times over the past decade, leaving important state and local projects vulnerable to sudden cutoff.

Just before the August recess, the Senate did pass the "Developing a Reliable and Innovative Vision for the Economy (DRIVE) Act", a bill that authorizes over $50 billion in federal funding annually for six years to support highway, bridge, and transit projects and programs. However, the House did not vote on the Senate bill and announced it would consider a House originated bill this fall. As a part of achieving a more robust and sustainable source of funds for transportation projects across our state, **Minnesota city officials are encouraged to contact their Congressional offices** to urge support for a new long-term

League of MN Cities Contact: Anne Finn
afinn@lmc.org **or (651) 281-1263**

TRANSPORTATION FUNDING IN MINNESOTA
A MYTH-BUSTING FACT SHEET

A Guide for MN Cities

federal transportation bill that authorizes at least six years of transportation programs & funding, enables more local control, supports innovative programs and finance, & helps fix the Highway Trust Fund.

Tables & Charts Source: from MN House of Representatives Information Brief on "Highway Finance" (October 2014) www.house.leg.state.mn.us/hrd/pubs/hwyfin.pdf

League of MN Cities Contact: Anne Finn
afinn@lmc.org or (651) 281-1263

Mayor Salary $2500/yr.
Council Salary $1900/yr.

Council-Extra Meetings: $35 each
Mayor-Extra Meetings: $50 each
Conferences: $55

709 Second Street
Kenyon, MN 55946

City of Kenyon

Phone 507.789.6415
Fax 507.789.5604

NOTICE OF REQUEST FOR PROPOSALS
For Residential Solid Waste Collection

The City of Kenyon is requesting proposals from solid waste haulers for weekly curb side pickup of approximately 750 residential customers utilizing arm-pickup and rolling containers ranging in 2 approximate sizes of 64, and 96 gallons.

A. Terms and Conditions.

1. The hauler shall:
   (a) provide water-tight, packer-type vehicles in good condition to prevent loss in transit of liquid or solid cargo;
   (b) keep all vehicles clean and as free from offensive odors as possible and not allow vehicles to stand in any street longer than reasonably necessary to collect garbage or refuse; and

2. The disposal of all solid waste collected by the Hauler must comply with all Municipal, Goodhue County, State of Minnesota, and Federal Laws and Regulations now in effect and as they may be amended during the term of this license. The Hauler may be required during the term of the agreement to transport all solid waste collection within the City of Kenyon (based on the requirements of the Goodhue County Solid Waste Ordinance) to the Goodhue County Designated Transfer facility located in Red Wing, MN. The haulers proposed rates should reflect this possibility.

3. The hauler must carry public liability insurance on all vehicles used and for operations. The minimum limits of coverage of such insurance shall be:

   a) Each person injured, at least $1,000,000;
   b) Each accident, at least $1,000,000;
   c) Property damage, at least $300,000;
   d) Workers' compensation with statutory limits on all employees.

Any insurance policy shall remain in full force and effect at all times during the contract period. All policies shall contain a provision requiring the City to be notified at least 30 days prior to the expiration or cancellation of any insurance policy. Failure to carry the required insurance shall be grounds for termination of the license and the Agreement.

4. In the interest of maintaining healthful and sanitary conditions the City may specify and assign certain areas for scheduled pick up on dates as determined by the City. Scheduled pick-up of garbage and refuse shall occur no earlier than 7:30 a.m.

5. The term of the license and Agreement with the City shall be for a period of three years from the date of issuance, unless terminated earlier, with an option to extend the license and the Agreement for an additional two year time period at the sole discretion of the City.

6. After 24 months the hauler may petition the council for review of rates and the City may likewise consider such petition and make new rates effective at any time. Any requested increase in rates shall be submitted to the City in writing, at least 90 days prior to the proposed implementation date for any rate increase. A request for rate increase by Hauler shall include all information necessary to support the proposed adjustment, as well as any other information requested by the City including comparative rates in surrounding communities. Prior to voting on any proposed rate increase, the City may hold a public hearing, preceded by 10 days' published notice. Hauler may not charge rates in excess of the rates approved by the City. The pricing system to be used by Hauler shall be based upon the volume of the garbage or other refuse collected.

7. The Hauler acknowledges that their operations to collect and haul garbage within the City shall be subject to all applicable sections of Kenyon City Code Section 1115, and City of Kenyon Administrative Policy No. 24 and Minnesota Statutes, with applicable sections both Section 1115 and Administrative Policy No. 24 being incorporated into the Agreement by reference as if fully set forth herein.

8. The hauler must hold a current Goodhue County Refuse Hauler License, or obtain prior to starting pick-up service. The Hauler shall procure, at its own expense, all licenses, permits or other rights, required for the provision of services contemplated by the agreement. The Hauler shall inform the City of any changes in the above within five (5) days of occurrence.

B. Rates and Billing.

1. Residential customers that pay the family garbage rate will get a 96 gallon cart and those that pay the single/senior rate will get a 64 gallon cart. There shall be no charge for carts, and the cart must remain with the property should the customer move. (If the customer takes the cart, the customer will be charged for it.)

2. The rates proposed by the hauler in the response to the proposal shall not increase for the initial three year term of the Agreement. Upon the request of Hauler, consistent with the terms of the Agreement and City Code Section 1115, a rate increase equal to the Consumer Price Index may be allowed after the initial three year term of the Agreement should the license and Agreement be extended for a period of up to two years.

3. The City will conduct all billing for garbage collections. Said billing will be part of the residential monthly utility bill. All billing amounts collected shall be forwarded to Hauler within 30 days. The City will attempt to collect all past due billings but will not guarantee the amount forwarded to the City each month. Hauler shall pay the City $700.00 per month to cover the City's costs for billing associated with the Agreement.

C. Garbage Collection.

1. Garbage Pickup Schedule. The garbage pickup schedule will be approved by City Council in its sole discretion. All residential collection service shall be conducted once a

week. The day of pick-up (currently Wednesday) shall be approved by the City. Any changes in the schedule shall be submitted in writing to the City Administrator. The Hauler shall bear all costs involved in notifying residential customers of approved schedule changes.

2. Interruption of Garbage Service. No charges will be incurred for any billing period if there is an absence of service on at least 14 consecutive days. All interruptions in service must be approved in advance by the City.

D. Compliance. Hauler's operations and activities shall be in compliance with all court orders, law, statutes, ordinances, executive orders, or regulations promulgated by a governmental authority having jurisdiction.

E. License Fee. The annual fee for the haulers license shall be set by City resolution and shall not be prorated. Subsequent annual payments of the license fee shall be paid by the first working day of each year. Failure to pay license fees shall be grounds for termination of the license and the Agreement. In determining the amount of the license fee, the City shall include all costs incurred by the City to administer the license and to enforce City Code provisions relating to refuse collection.

F. No Customer Contracts. City residential customers shall not be required to enter into a contract or other term agreement with Hauler to receive service pursuant to the license and the Agreement.

G. Missed pick-ups/Customer complaints. Whenever a customer notifies the Hauler, or City of a location which has not received scheduled service, the Hauler is required to service such location no later than the following working day from the time of the complaint. All complaints shall be answered promptly and courteously. A record of all complaints and actions taken shall be kept by the Hauler and provided to the City upon demand. The Hauler shall meet with City staff at least quarterly to address any customer complaints regarding Hauler's performance of refuse collection, hauling or disposing.

H. Assignability of license/Agreement. The license and Agreement may not be assigned or transferred in whole or in part by Hauler unless the City gives its approval prior to any proposed assignment or transfer. Any attempt to assign or transfer the license in whole or in part without prior approval of the City shall be grounds for termination of the license and the Agreement.

I. Termination or Revocation. The license and Agreement may be terminated by the City at its sole discretion with 90 days written notice to the hauler or revoked immediately upon occurrence of any of the following:

1. Hauler fails to comply with the provisions of the Agreement, or is in violation of city or county ordinances, state or federal laws or regulations;

2. The City determines that Hauler's performance of refuse collection, hauling or disposal is unsatisfactory;

J. Hold Harmless and Indemnification; No Waiver by the City. Hauler agrees to defend, indemnify and hold the City, its officials, employees, agents and contractors harmless from any

liability, claims, damages, costs, judgments, or expenses, including reasonable attorney's fees, resulting directly or indirectly from an act or omission (including without limitation professional errors or omissions) of Hauler, its agents, employees, or subcontractors in the performance of the services provided by the Agreement and against all losses by reason of the failure of Hauler fully to perform, in any respect, all obligations under the Agreement

K. Subcontractors. Hauler shall not enter into subcontracts for services provided under the license and the Agreement without the express written consent of the City.

L. Assignment. Hauler shall not assign the license or the Agreement, or any interest arising herein, without the express approval and written consent of the City.

M Records Access. Hauler shall provide the City access to any books, documents, papers, and records which are directly pertinent to the license or the Agreement, for the purpose of making audit, examination, excerpts, and transcriptions, for three years after final payments and all other pending matters related to the license and the Agreement are closed.

N Data Practices Act Compliance. Data provided to City concerning the matter and/or under the Agreement shall be administered in accordance with Minnesota Statutes, Chapter 13, and all data on individuals or license applicants shall be maintained in accordance with statutory guidelines. The parties acknowledge that the Agreement is public data.

CONTENT OF PROPOSAL.

All proposals submitted in response to this solicitation must include the following:

1. Statement indicating the name of the firm making the proposal and whether the firm is a national, regional, or local company, and the address of the Contractor's principal place of business. The statement should also indicate how long the firm has operated in the State of Minnesota and elsewhere, if Applicable.

2. A statement of any violations by the firm of any applicable city, county or state ordinances or health regulations.

3. A statement indicating the number of employees needed to perform this service and specific names of any management or supervisory personnel that will be involved in providing pickup service.

4. A listing of the number of current automated solid waste residential and commercial collection clients.

5. A tentative schedule for providing weekly solid waste collection and disposal for residences within the City for which service is proposed.

6. The proposal shall include the proposed monthly collection charges for residential customers for:

A. each 64 gallon cart _____
B. each 96 gallon cart _____

7. The proposal may include any additional information which could be relevant to the evaluation process.

8. A written statement outlining in detail how the contractor proposes to perform the services required.

9. The signature of an authorized representative must appear on the cover sheet of the Contractor's proposal. The signature on this form will be interpreted to indicate the Contractor's willingness to comply with all the terms and conditions set forth in this solicitation unless a specific written exception is noted on the face of the proposal.

10. Each proposal shall be submitted by mail, delivered or via e-mail to:

Proposal for Collection of Solid Waste.
City of Kenyon
709 2nd Street
Kenyon, MN 55946
mvahlsing@cityofkenyon.com

All Proposals must be received by the City of Kenyon, no later than February 26, 2016 by 4:30 pm

The City of reserves the right to reject any or all proposals. They also reserve the right to waive minor irregularities in the proposal documents and to clarify with those submitting proposals as to any issues. The solid waste collection Hauler selected by the City shall be required to enter into and comply with the terms of the service contract with the City. The requested Performance Bond and Certificate of Insurance shall be provided when the contract is executed.

For questions and clarifications, please contact Mark Vahlsing, City Administrator at 507-789-6415 - mvahlsing@cityofkenyon.com.

PERFORMANCE AGREEMENT

Agreement made as of 30th day of December, 2015 between the parties identified below. The Employer listed below agrees to hire the below identified Artist to perform and the Artist agrees to provide such performance services under the following terms and conditions:

Artist:	**LOST HIGHWAY, LLC.**
Employer:	Kenyon Muni
Contact Person:	Matt Bartel
Address:	645 2nd Street, Kenyon, MN 55946
Phone:	507-202-2687
E-mail address:	milty8869@gmail.com
Place of Performance:	Between Subway and the Muni
Address:	Kenyon
Date of Performance:	Saturday, August 20, 2016
Set Length:	9 – 12:30 with option for opening band
Load In/Sound Check Time:	4:00 – 8:00 pm
Payment (Guaranteed):	$1,500.00 Percentage of Ticket Sales: 100%
Sound System Provided By:	Lost Highway
Additional Terms:	$1,500 down payment, provide $8,000 weather insurance.
Meals:	10 meals
Hotel/Lodging:	none

A. CANCELLATION. Employer shall give no less than 45 day notice to band of cancellation of performance or employer agrees to pay band as liquidated damages one-half (1/2) of the guaranteed fee. In the event of conflict, Lost Highway may cancel engagement without liability giving employer at least a 45 day written notice prior to the scheduled date.

B. FORCE MAJEURE. Lost Highway's obligation to furnish that entertainment unit referred to herein is subject to the detention or prevention by sickness, inability to perform, accident, means of transportation, Act of God, riot, fire, strike or any foregoing events which would prevent interfere with the prevention of the show.

C. POWER SUPPLY. Employer shall provide a power supply no less than (2) 50 amp 220 services within 100 feet of stage and the stage should be no smaller than ~~20' x 34'~~. The larger the better for the stage! mv
2 trailers - safe with no gaps

D. DRINKS. Employer shall provide 24 bottles of water ~~and 24 bottles of Bud Light.~~ strike mv.

E. CREATIVE CONTROL. Lost Highway shall have 100% creative control of the stage production. During the performance, they shall have sole control of all sound and light equipment, including personnel and sound level.

F. MERCHANDISE. Lost Highway shall have the right to sell branded Lost Highway merchandise such as: t-shirts, caps, cd's, souvenirs, programs, etc. and retain 100% of the receipts thereof. Lost Highway also reserves the right to plug/advertise and display upcoming events that Lost Highway is appearing in or at in the form of verbal announcement, flyer, banner, etc. A merchandising area with power needs to be provided. Indoor events require a 10x10 ft. area. Outdoor events require an area for a trailer measuring 28 ft.

G. INCLEMENT WEATHER. Notwithstanding anything contained herein, inclement weather shall not be deemed to be a Force Majeure occurrence and the Employer shall remain liable for payment of the full contract price event if performance(s) called for herein are prevented by such weather conditions. Lost Highway shall have the sole right to determine in good faith whether any such weather conditions shall render the performance(s) impossible, hazardous or unsafe.

H. ~~INSURANCE. Employer agrees to provide liability insurance coverage to indemnify Lost Highway and the hired sound and light company against any injuries to person or property as consequence of the installation and/or operation of the equipment provided by Lost Highway. Lost Highway carries our own liability insurance.~~ strike mv

I. ~~EMPLOYER ASSUMES LIABILITY. Except as otherwise herein specifically provided, Employer hereby assumes full liability and responsibility for the payment of any and all cost, expenses, charges, claims, losses, liabilities and damages related to or based upon the presentation or production of the show or shows in which Lost Highway are to appear there under.~~ strike mv.

J. PROMOTION. Employer agrees to reasonable promote the performance through its usual course of promotion and advertising efforts. Add: Lost Highway will notify City of warm-up band. mv

For LOST HIGHWAY: Jesse C. Steberg

For EMPLOYER: _____

Authorized Representative
Printed Name: _____

Authorized Representative
Printed Name: Mark Vahlsing

Lost Highway, LLC.
Jesse Steberg
600 3rd Avenue, Wanamingo, MN 55983
Tax ID: 27-4830208
Cell: 507-208-1355 **Email:** losthighwaymn@yahoo.com **Web-site:** www.losthighwaymn.com

Pam Blow

From: Mark R. Vahlsing <mvahlsing@cityofkenyon.com>
Sent: Tuesday, January 26, 2016 2:11 PM
To: Pam Blow
Cc: 'Lee Sjolander'
Subject: FW: Timed parking in the 600 block of 2nd St.

You can add this item t the Feb Council agenda.

Mark R. Vahlsing
City Administrator
City of Kenyon
709 2nd Street
Kenyon, MN 55946
507-789-6415 x. 105
www.cityofkenyon.com

From: Lee Sjolander [mailto:lsjolander@cityofkenyon.com]
Sent: Tuesday, January 26, 2016 11:23 AM
To: Mark Vahlsing
Subject: Timed parking in the 600 block of 2nd St.

Dear Mark,

As you know, we have been receiving some concerns regarding the amount of time vehicles are parked on 2nd St. in the business area. Mr. Thissen has shared his concerns with me and I've been spending some time watching how long vehicles are parked in the 600 block of 2nd St. While it's difficult to pinpoint if the vehicle owners are staying in one business for extended periods of time, or maybe spending time in multiple locations, , I think maybe this could be looked at and some discussion should take place about time limits on parking during the day. We have no overnight parking now, but maybe limiting the parking to 2 hours during the day might help. I feel more than an hour is needed as some places like the dentist office, law offices, etc. could easily have customers there longer than an hour.

Thanks,

Lee

Kenyon City Council Meeting
Information regarding Hiawathaland Transit
January 25, 2016

Background:

Three Rivers Community Action, Inc. currently operates Hiawathaland Public Transit services in Cannon Falls, Faribault, Lake City/Frontenac, Northfield, Pine Island, Plainview/Elgin, Red Wing, Wabasha/Kellogg, Winona, and Zumbrota/Mazeppa. Anyone is allowed to use the service for any reason. Many utilize the public transit system for medical appointments, shopping, school, and visiting friends/loved ones. Three Rivers Community Action, Inc. is looking at expanding the Hiawathaland Transit System into the Kenyon and Wanamingo area. Based on the number of requests for service that Hiawathaland Transit receives, Hiawathaland Transit is looking to pilot the area along with such communities as Lonsdale in January in 2017.

In order to the fund the current, existing, and established public transit service, Three Rivers receives funding from the Minnesota Department of Transportation (MnDOT), through rider fares, and local government contributions. The daily operations are funded by MnDOT and rider fares. Riders are currently charged a minimal fee for one way transportation. The current one-way fare is $1.75 per individual for any trip within the outlined service area. The vehicles are funded 80% by MnDOT and 20% by local community match. The local community in which the buses operate are expected to provide 20% for the cost of purchasing the new transit bus used in their community. The buses are replaced on average every six to seven years. The cost for a new bus is currently $74,000. Vehicles are only purchased in communities AFTER the two year pilot project is completed successfully.

Communities similar in size usually have services between the hours of 7am and 5pm, Monday through Friday.

Moving Forward:

Hiawathaland Transit would need to complete and compile a variety of research, such as survey results, community input, and letters of support to present in a proposal to MnDOT. If MnDOT approves the project, it can be piloted in the communities for two years. Hiawathaland Transit Staff would need to conduct research and submit results to MnDOT by August 1, 2016. Three Rivers would need a letter of support from each City Council to submit as part of the proposal indicating their support of the proposed transit service.

During the pilot phase of the project, there would be no cost to the city. If permanently funded after the two year pilot program phase is completed, the only financial responsibility to the community would be 20% of the bus replacement fee every six to seven years. Within the two pilot years, Hiawathaland Transit will work to market the system and build ridership up to the rural thresholds set by the state. The current rate of ridership expected of systems after two years is 3 rides/hour. The state averages these out over the course of a day, meaning in a 10 hour day, 30 1-way trips would be the expectation. If the ridership is established and maintained after the two years, funding will be transitioned from the pilot phase funding to permanent funding. If the Kenyon/Wanamingo services were to be funded, a representative from Kenyon and Wanamingo will be given a seat on the Hiawathaland Transit Board (this representative can be a city council person or city staff person). Meetings are held quarterly in various offices throughout the existing service area.

Minnesota Department of Public Safety
Alcohol and Gambling Enforcement
445 Minnesota Street, Suite 222
St. Paul, MN 55101
651-201-7500

RENEWAL OF LIQUOR , WINE, CLUB OR 3.2% LICENSES

No license will be approve or released until the $20 Retailer ID Card fee is received by Alcohol and Gambling Enforcement

Licensee: Please verify your license information contained below. Make corrections if necessary and sign. City Clerk/County Auditor should submit this signed renewal with completed license and licensee liquor liability for the new license period. City Clerk/County Auditor are also required by M.S. 340A.404 S.3 to report any license cancellation.

License Code ONSS **License Period Ending** 3/31/2016 **ID#** 37538

ISSUING AUTHORITY Kenyon

Licensee Name Schweichs Inc.

Trade Name Schweich Hotel Bar Food

City, State, Zip Code 632 2nd Street
Kenyon MN 55946

Business Phone 5077895800

License Fees: **Off Sale** **On Sale** $1,000.00 **Sunday** $200.00

By signing this renewal application, applicant certifies that there has been no change in ownership on the above named licensee. For changes in ownership, the licensee named above, or for new licensees, full applications should be used. S back of this application for further information needed to complete this renewal.

Applicant's signature on this renewal confirms the following: Failure to report any of the following may result in civil penalties.

1. Licensee confirms it has no interest whatsoever, directly or indirectly in any other liquor establishments in Minnesota. If so, give details on back of this application.
2. Licensee confirms that it has never had a liquor license rejected by any city/township/county in the state of Minnesota. If ever rejected, please give details on the back of this renewal, then sign below.
3. Licensee confirms that for the past five years it has not had a liquor license revoked for any liquor law violation (state or local). If a revocation has occurred, please give details on the back of this renewal, then sign below.
4. Licensee confirms that during the past five years it or its employees have not been cited for any civil or criminal liquor law violations. If violations have occurred, please give details on back of this renewal, then sign below.
5. Licensee confirms that during the past license year, a summons has not been issued under the Liquor Liability Law (Dram Shop) MS 340A.802. If yes, attach a copy of the summons, then sign below.
6. Licensee confirms that Workers Compensation insurance will be kept in effect during the license period.

Licensee has attached a liquor liability insurance certificate that corresponds with the license period in city/county where license is issued. $100,000 in cash or securities or $100,000 surety bond may be submitted in lieu of liquor liability. (3.2& liquor licenses are exempt if sales are less than $25,000 at on sale, or $50,000 at off sale).

Licensee Signature _____ DOB_____ SS#_____ Date_____
(Signature certifies all above information to be correct and license has been approved by city/county.)

City Clerk/County Auditor Signature _____ Date_____
(Signature certifies that renewal of a liquor, wine or club license has been approved by the city/county as stated above.)

County Attorney Signature _____ Date_____
County Board issued licenses only(Signature certifies licensee is eligible for license).

Police/Sheriff Signature _____ Date_____
Signature certifies licensee or associates have been checked for any state/local liquor law violations (criminal/civil) during the past five years. Report violations on back, then sign here.

Hello:

The **Minnesota Pollution Control Agency** is pleased to inform you that you are receiving a 2015 Wastewater Treatment Facility Operational Award (the list of award winners is attached). Your submitted data and permit records for the period from October 1, 2014, through August 31, 2015, were reviewed to determine your award eligibility. Based on the review, you have been confirmed as the recipient of a Certificate of Commendation for outstanding operation, maintenance and management of your wastewater treatment system. Congratulations on your efforts to protect the waters of Minnesota!

This award recognizes you for ensuring:

- Your facility was overseen by a properly certified operator.
- Your facility did not exceed the effluent limits contained in your permit.
- Your required monthly and annual reports were timely and complete.
- Your facility did not experience any unauthorized releases, enforcement actions or inspections identifying significant compliance concerns.

We would like to recognize your accomplishment by presenting the certificate to you and/or a representative of your operating staff at the 79th Annual Wastewater Operations Conference. The conference will be held from March 23, through March 25, 2016, at the **Marriott Northwest** (formerly Northland Inn) in Brooklyn Park, Minnesota. The hotel is located at 7025 Northland Drive North, Brooklyn Park, Minnesota 55428. If you will be attending the awards ceremony only, you do not need to register for the conference. If you are interested in attending the entire conference, additional information is available here: https://www.pca.state.mn.us/sites/default/files/p-tr2-05.pdf

The award ceremony and certificate presentation will begin at 2:00pm on Thursday, March 24, 2016. If you, or a member of your staff, are unable to attend the award ceremony, the certificate will be mailed to you.

If you have any questions, please contact me at 651-757-2306 or Kaitlin.jamieson@state.mn.us.

Sincerely,

Kaitlin Jamieson
Environmental Specialist 2
Compliance and Enforcement
Municipal and Industrial Wastewater
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155
651-757-2306

135	MN0021628	Kenyon WWTP
136	MN0057410	Kettle Falls Hotel & Guest Villas
137	MN0052647	Kimball WWTP
138	MN0067458	La Salle WWTP
139	MN0023876	Lafayette WWTP
140	MN0064050	Lake Beauty Covenant Bible Camp
141	MN0023884	Lake Benton WWTP
142	MN0062871	Lakeside Foods Inc
143	MN0047465	Lakeside Foods Inc - Plainview
144	MN0054399	Laketown Community WWTP
145	MN0051454	Lamb Weston/RDO Frozen Industrial WWTP
146	MNG580100	Lamberton WWTP
147	MN0023931	Le Center WWTP
148	MN0049905	Leavenworth Silage Co
149	MN0023957	Lester Prairie WWTP
150	MN0065722	Lewisville WWTP
151	MN0020761	Little Falls WWTP
152	MNG580208	Longville WWTP
153	MN0023990	Loretto WWTP
154	MN0020141	Luverne WWTP
155	MNG580190	Magnolia WWTP
156	MN0030171	Mankato Water Resource Recovery Facility
157	MN0031127	Maple Hill Estates
158	MN0020214	Marble WWTP
159	MN0055026	Marvin Windows & Doors
160	MN0021202	Mayer WWTP
161	MN0046752	Mazeppa WWTP
162	MN0024023	McGregor WWTP
163	MN0046540	MDNR Lake Bronson State Park
164	MN0033740	MDNR Myre Big Island State Park
165	MNG580034	Meadowlands WWTP
166	MN0066753	Meadows of Whisper Creek WWTP
167	MN0020290	Melrose WWTP
168	MN0068713	Meriden Township WWTP
169	MN0029882	Met Council - Blue Lake WWTP
170	MN0029904	Met Council - Eagles Point WWTP
171	MN0045845	Met Council - Empire WWTP
172	MN0029955	Met Council - Hastings WWTP
173	MN0029815	Met Council - Metropolitan WWTP
174	MN0030007	Met Council - Seneca WWTP
175	MN0029998	Met Council - St Croix Valley WWTP
176	MNG580141	Milan WWTP
177	MN0054305	Millerville WWTP
178	MN0024155	Miltona WWTP
179	MNG580033	Minneota WWTP
180	MN0069817	Minnesota City WWTP