

**AGENDA**  
**CITY COUNCIL MEETING**  
**April 12, 2016**

*Recite Pledge of Allegiance*

- 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 Work Session Minutes of March 4, 2016
    - B. City Council Meeting Minutes of March 8, 2016
    - C. Special City Council Meeting Minutes of March 31, 2016
    - D. Board of Equalization & Appeal Meeting Minutes of April 7, 2016
  - VI. PRESENTATIONS/PUBLIC HEARINGS  
RECOGNITIONS/PROCLAMATIONS**
    - A. 2015 Audit Presentation – Tom Wentz, Smith ♦ Schafer
  - VII. ENGINEERING**
    - A. Update on 1<sup>st</sup> Street Reconstruction Project
    - B. Update on Fire Facility Project
  - VIII. LEGAL**
    - A. Luis Tellez (Taco Express) Lot Use Agreement
    - B. Kenyon Country Club Liquor License Renewal
  - IX. FINANCIAL**
    - \*\*A. March 2016 Treasurer’s Report
    - \*\*B. Payment of Claims
  - X. OLD BUSINESS**
    - A. Police Department
      - 1. Parking in the 600 Block of 2<sup>nd</sup> Street
      - 2. Update on Police Officer hiring
  - XI. NEW BUSINESS**
    - A. Resolution 2016-11: Resolution in Support of the Minnesota Broadband Vision
    - B. Approve Kenyon Senior Living 2<sup>nd</sup> Annual 5K Fun Run/Walk

C. Approve Changes to Administrative Policy #24 – Garbage and Recycling

**XII. OTHER BUSINESS**

A. Schedule of Upcoming Meetings

1. City Council Meeting: Tuesday, May 10<sup>th</sup> @ 7 p.m.
2. SEMLM Annual Meeting: Wednesday, April 27<sup>th</sup> in Elgin

**XIII. COUNCIL AND STAFF GENERAL COMMENTS**

**8:00**

**XIV. ADJOURNMENT**

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## MEMORANDUM

**TO:** Honorable Mayor and City Council  
**FROM:** Mark Vahlsing, City Administrator  
**RE:** Meeting of April 12, 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:

City Council Work Session Minutes of March 4, 2016

Regular City Council Meeting Minutes of March 8, 2016

Special City Council Meeting Minutes of March 31, 2016

Board of Equalization and Appeal Meeting Minutes of April 7, 2016

March 2016 Treasurer's Report

Payment of Claims

***MOTION NEEDED***

**V. APPROVAL OF MINUTES**

Consent Agenda Item

**VI. PRESENTATIONS/PUBLIC HEARINGS**

2015 Audit Presentation – Tom Wente, Smith ♦ Schafer

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

Update on 1<sup>st</sup> Street Reconstruction Project

The Contract and related documents have been submitted to the City Attorney for final approval. See report in your packet from the City Engineer for more information.

Update on Fire Facility Project

The application and plans are currently being reviewed by USDA Rural Development. See report in your packet from the City Engineer for more information.

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

Luis Tellez (Taco Express) Lot Use Agreement

***MOTION NEEDED***

Kenyon Country Club Liquor License Renewal

The license is for on-sale and Sunday. ***MOTION NEEDED***

**IX. FINANCIAL**

March 2016 Treasurer's Report – Consent Agenda Item

Payment of Claims – Consent Agenda Item

**X. OLD BUSINESS**

Police Department

-Parking in the 600 Block of 2<sup>nd</sup> Street

Chief Sjolander will discuss parking in the downtown area. He would like to review the possibility of adding handicapped and 30 minute parking areas in some locations along 2<sup>nd</sup> Street.

-Update on Police Officer hiring

The background work and testing has been mostly completed. It is anticipated that Alex will be on-board by early May.

**XI. NEW BUSINESS**

Resolution 2016-11: Resolution in Support of the Minnesota Broadband Vision

This organization is asking units of government throughout Minnesota to pass resolutions of support seeking additional commitment from the State to greatly increase Broadband access in Minnesota. The organization's goal is to make Broadband accessible across Minnesota by the year 2020. **MOTION NEEDED**

Approve Kenyon Senior Living 2<sup>nd</sup> Annual 5K Fun Run/Walk

The Nursing Home is asking for support to hold a run/walk event on May 21, 2016. It would start at 9:00 a.m. A map of the route of the run/walk is included in the meeting packet. The Police Department would assist with the event. Police Chief Sjolander is in support of the event. **MOTION NEEDED**

Approve Changes to Administrative Policy #24 – Garbage and Recycling

A redlined copy of the administrative policy is included in the packet. Revisions are needed to update the policy and it also needs to be consistent with the license/contract with Gibson Sanitation. **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 Work Session was duly held in the City Hall Council Chambers on the 4<sup>th</sup> day of March, 2016. The following members were present: Mayor Mike Engel, Council members, Fred Barsness, Richard Nielsen. Absent: John Mortensen, and Doug Henke. Also present: City Administrator Mark Vahlsing.

Mayor Engel called the work session to order at 1:00 p.m.

### **Review Solid Waste Proposal**

Administrator Vahlsing reviewed the 7 proposals for solid waste pick-up that had been received by the City. The RFP was very thorough and focused on a number of areas including the size of the company, proposed rates, number of cities served and years in business.

Mayor Engel distributed an analysis that he conducted on the proposals. He stated that his preference was a smaller hauler. He had ranked Gibson and Flom the highest. There would be an advantage if a hauler currently goes to Red Wing. He had concerns with Countryside due their very small size and not having any municipal contracts.

Councilman Barsness agreed with the concerns about Countryside. He felt more comfortable with Flom or Gibson due their size and experience working with cities in the area.

Administrator Vahlsing updated the Council on the discussion he had with the two council members who were absent from the work session:

Councilman Doug Henke stated that he would like to see either a smaller cart or a senior citizen rate established in the next hauler contract. He would be open to going along with whatever choice of haulers that the Council approved.

Councilman John Mortenson stated that his top three choices were Flom, Gibson, and Advanced. He felt that Flom might rank somewhat higher due the fact they already provide recycling service to the City.

Councilman Barsness felt that having smaller containers may cause issues because some customers may have more garbage than the containers will hold. He felt it would be better for customers to have a larger (64 gallon) container even if they do not regularly fill it up.

Mayor Engel stated that in reviewing the proposals, Flom and Gibson appeared to be comparable. Flom does provide recycling, and commercial pick-up service in the City. Gibson also provides commercial pick-up in the City. Gibson also provides service to several area communities, and Gibson's proposed rates were less than Flom's. Plus they already haul to Red Wing.

Administrator Vahlsing stated that he had discussed hauling to Red Wing with Flom and they had stated that it was built into their rates.

Councilman Nielsen stated that overall Gibson may be the best option for the City.

There being no further business, the meeting was adjourned at 1:45 p.m.

Pursuant to due call and notice thereof, a City Council Meeting was duly held in the City Council chambers at 7:00 p.m. on the 8<sup>th</sup> day of March, 2016. The following members were present: Mayor Mike Engel, Council Members, Fred Barsness, Richard Nielsen, and John Mortensen. Absent: Doug Henke. Also present: Administrator Mark Vahlsing, Engineer Joe Rhein, Attorney Melissa Manderschied and Administrative Assistant Pam Blow.

### **CITIZEN COMMENTS**

None

### **ADOPT AGENDA**

Motion by Nielsen seconded by Mortensen to approve the agenda as presented. Motion carried 4-0-0.

### **CONSENT AGENDA**

Motion by Barsness seconded by Nielsen to approve the Consent Agenda, which includes payment of check numbers, 64419 through 64529; 2521E through 2535E; and additional checks 64553 through 64567. Motion carried 4-0-0.

### **ENGINEERING**

#### **Accept Bid for 1<sup>st</sup> Street Reconstruction Project**

According to Engineer Rhein, after the council approves the bid, the contract will be prepared and sent to the city's attorney. There will be a preconstruction meeting with the contractor at a later date.

#### **Resolution 2016-07: Resolution Accepting Bid for the First Street Improvement Project**

Motion by Nielsen, second by Mortensen to approve Resolution 2016-07, which includes Alternate #1. Motion carried 4-0-0.

#### **Update on Fire Facility Project**

Engineer Rhein mentioned that the second plan review meeting was held, and the project design is 95% complete. The final plans and specs should be completed within one week, and will be sent to the USDA architect. Their review will take approximately one month. After USDA approval the final plans will be reviewed with the council at a work session.

### **OLD BUSINESS**

#### **Review Request for Proposals – Residential Garbage Service**

According to Administrator Vahlsing, there were seven proposals received for the residential garbage service. A work session was held on March 4<sup>th</sup> to review the proposals. Councilmen Nielsen stated that it appeared Gibson Sanitation had the most support after the discussion that was held at the Council work session.

Motion by Nielsen, second by Barsness to contract with Gibson Sanitation, LLC of Cannon Falls for the city's residential garbage service. Motion carried 4-0-0.

#### **Update on 1<sup>st</sup> Street Project Financing – George Eilertson, Northland Securities**

According to Mr. Eilertson, by using the Credit Enhancement Program, it will allow the State of Minnesota Bond rating to be used for financing for this project (AA+ rating). This will lower the interest rate and be a benefit to the City. Generally, the Program offers a .5% lower interest rate. According to Mr. Eilertson, the city will have to pay a \$500 program application fee and a rating fee of \$5,000, but those fees will be offset by the lower interest rate over the term of the loan. According to Engineer Rhein, the first payment on the project would probably not happen until June, 2016, so the sale of the

bonds can occur in May. The term of the bond (20 or 25 years) can be decided at the April council meeting.

**Resolution 2016-08: Relating to the Issuance of General Obligation Improvement Bonds, Series 2016a; Covenanting and Obligating the City to be bound by and to Use the Provisions of Minnesota Statutes, Section 446a.086**

Motion by Nielsen, second by Mortensen to approve Resolution 2016-08. Motion carried 4-0-0.

**Police Department**

**Parking in the 600 Block of 2<sup>nd</sup> Street**

Chief Sjolander was unable to attend the meeting tonight, so this item will be tabled until the next meeting.

**Update on Police Officer Hiring**

Administrator Vahlsing noted that the first round of interviews was held last week. The second interviews would be held later this week. He said that hopefully, the personnel committee will identify a candidate after the second interviews have taken place.

**NEW BUSINESS**

**Resolution 2016-06: Resolution in Support of the 2016 Rochester Regional Airport Bonding Bill**

Motion by Nielsen, second by Mortensen to approve Resolution 2016-06. Motion carried 4-0-0.

**Approve Appointment of Ethan Eggert to Fire Department**

Motion by Barsness, second by Nielsen to approve the appointment of Ethan Eggert to the Fire Department. Motion carried 4-0-0.

**Approve Appoint of Tesa St. John to Park & Recreation Committee**

Motion by Engel, second by Nielsen to approve the appointment of Tesa St. John to the Park & Recreation Committee. Motion carried 4-0-0.

**Fire Department Facility Project – USDA Rural Development Financing Application**

According to George Eilertson of Northland Securities, the project financing involves a \$450,000 promissory note with no general obligation backing. There is also a \$2,450,000 loan that requires a City general obligation backing. The estimated interest rate will be 2.875% with a 40-year term. The interest rate was reduced from the initial estimates provided by USDA Rural Development. The lower rate will result in significant savings over the term of the loan. The City will be required to set-up interim construction financing for the project. The USDA financing will be closed on after construction is completed. According to Administrator Vahlsing, we have to wait for the USDA plan review to be completed to advertise for bids. The final bid will not be awarded by the Council until the application is approved by Rural Development. The City will have 60 – 90 days to award the bid.

Engineer Rhein noted that the plan review is done in St. Paul, while the actual financing application is reviewed by the Kansas City Rural Development regional office. It normally takes six to eight weeks for application approval. Engineer Rhein suggested that the project would keep moving forward if the required resolutions were adopted, and the title opinion was completed. Hopefully, the plans will be ready by the end of April. These steps should allow the bidding process to be completed prior to financing approval. Engineer Rhein noted that the bid date can be pushed back by addendum if needed to accommodate the overall application approval by Rural Development. Attorney Manderschied noted that the resolutions are in order to move forward.

**Resolution 2016-09: Authorizing a \$2,450,000 General Obligation Bond Issue**

Motion by Nielsen, second by Barsness to approve Resolution 2016-09. Motion carried 4-0-0.

**Resolution 2016-10: Authorizing a \$450,000 Bond Issue Secured Through a Promissory Note**

Motion by Mortensen, second by Nielsen to approve Resolution 2016-10. Motion carried 4-0-0.

**OTHER BUSINESS**

**Schedule of Upcoming Meetings**

City Council Meeting: Tuesday, April 12<sup>th</sup> @ 7 p.m.

Board of Equalization: Thursday, April 7<sup>th</sup> @ 5 p.m.

**COUNCIL AND STAFF GENERAL COMMENTS**

Motion Nielsen, seconded by Barsness to adjourn the meeting at 7:40 p.m. Motion Carried 4-0-0.

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Pam Blow, Administrative Assistant

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Michael Engel, Mayor

Pursuant to due call and notice thereof, a Special City Council meeting was duly held in the City Hall conference room on the 31<sup>st</sup> day of March, 2016. The following members were present: Mayor Mike Engel, Council members, Doug Henke and John Mortenson. Absent: Fred Barsness, and Richard Nielsen. Also present: City Administrator Mark Vahlsing,

Mayor Engel called the special meeting to order at 6:00 pm.

**Cancel Residential Solid Waste Hauling Contract with Waste Management**

Administrator Vahlsing stated that if the Council wants to move ahead with a new waste hauler the License Agreement with Waste Management will need to be cancelled. The agreement could be terminated for cause under Section I Subd. 2 of the agreement. This action should be effective April 15, 2016. This is the date that the monthly billing cycle would end.

Motion by Mortenson, second by Henke to terminate the Residential Solid Waste Hauling Contract with Waste Management under Section I. Subd 2 of said agreement. Termination will be effective April 15, 2016. Motion Carried 3-0-0

**Review and Possibly Approve Final Hauling Contract with Gibson Sanitation**

Administrator Vahlsing told the Council that the new license agreement will need to be approved with Gibson Sanitation. It should be effective April 16, 2016. If the agreement is approved it should be conditional on final City Attorney review in case any minor revisions are needed.

Motion by Mortenson, second by Engel to approve Solid Waste Hauling Contract with Gibson Sanitation pending final City Attorney review. Contract shall be effective April 16, 2016. Motion Carried 3-0-0.

**Resolution 2016-12 Reimbursement Resolution for 1st Street Improvement Project**

Vahlsing stated that the resolution is needed so the City can include any previously incurred expenditures in the 1<sup>st</sup> Street Bond issue. These expenses could include engineering, design, legal and other project costs that have been previously expended before the bond financing is finalized.

Motion by Mortenson, second by Henke to approve Resolution 2016-12. Motion Carried 3-0-0

Motion by Henke, Second by Mortenson to adjourn meeting at 6:25pm.

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Mark Vahlsing, City Administrator

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Michael Engel, Mayor

Pursuant to due call and notice thereof, a Board of Equalization and Appeals meeting was duly held in the City Council Chambers at 5:00 p.m. on the 7<sup>th</sup> day of April, 2016. The following members were present: Mayor Mike Engel, Council Members Fred Barsness, Dan Henke, and John Mortensen. Absent: Richard Nielsen. Also present: City Administrator Vahlsing. Keith Cook, David Emerson, Adam Rothen, Clifford Voxland, James Miner, and John Davidson. Representing the Goodhue County Assessor's Office were and Mike Frankenberg and Michele McCaughtry

The board was called in session at 5:32 p.m.

Assistant Assessor Frankenberg noted that the purpose of this meeting was to discuss property valuations for 2016 assessments, payable in 2017 only. He stated there were 22 property sales in 2015 in the City of Kenyon. He also said that the entire City and County appraised values were adjusted based on sales ratios during the last two years. Staff from the Assessor's Office evaluated, and attempted to visit, 1/5 of the properties in the City.

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**Adam Rothen**

**66.365.0270**

Mr. Rothen had a question on the status of the homestead status for his residential property. He also wondered about the valuation of his property. Assistant Assessor Frankenberg reviewed Mr. Rothen's property file with him. He explained the process of how Market Value Exclusion had replaced the Homestead Credit. As the value of the property increases the exclusion amount goes down. The exclusion value is established by the State and is based on \$76,000 maximum value.

**Clifford Voxland**

**66.360.0250**

Mr. Voxland had a question on his tax statement. He questioned if his property was homesteaded. Mr. Frankenberg explained about Market Value Exclusion that took the place of the Homestead Credit. As the value of the property goes up, the exclusion amount goes down and is set by the State of Minnesota (based on \$76,000 maximum value). Assistant Assessor Frankenberg told Mr. Voxland that his property was properly classified as residential.

**James Miner**

**66.240.1170**

Mr. Miner had a question of market value exclusion for his residential property. He also wanted to know if the assessor's office physically viewed his property. He felt that the valuation increase for his property was too high. Mr. Frankenberg explained about Market Value Exclusion process. He told Mr. Miner that his property value had increased approximately 7%. Mr. Miner stated that he was on a fixed income and asked if that could be taken into account when the County increases valuations. He would have a hard time being able to afford the increase in his taxes. Mayor Engel stated that all properties in the City had a valuation increase. Mr. Miner's increase was not out of line with other residential properties in the City.

**David Emerson**

**(4 parcels) 66.300.0280, 66.100.0250 66.520.0320, 66.520.0330**

Mr. Emerson stated that he owned four commercial buildings in downtown Kenyon. He said the valuation of the properties had increased by 40% over the last year. He said the buildings were old and that the roof, despite being steel, still leaked. Assistant Assessor Frankenberg reviewed the property file and said that the building had been visited by Assessor's office staff but no one was at the store at that time. Mr. Emerson stated that he was probably out on a

carpet install job. Assistant Assessor Frankenberg stated that he would meet with Mr. Emerson and view his buildings. He would report back to the City after visiting the property and further review of the file. Councilmen Henke stated that the increase was very high.

**Keith Cook**

**66.640.0150**

Mr. Cook asked the County Assessor representatives why his property value had increased so much. Assistant Assessor Frankenberg stated that the value had increased 8%. Mr. Cook felt that his land was valued too highly. He said that the land and house of his neighbor to the west (Fred Barsness) was valued much lower than his. Assistant Assessor Frankenberg stated that actually the Barsness land was valued more than Mr. Cook's land. Mr. Cook said his house was smaller than the Barsness house, but valued higher. Frankenberg said they were different types of houses and were hard to compare. Cook said that he also was on a fixed income and had a hard time keeping up with the valuation increases.

**John Davidson**

**66.180.0160**

Mr. Davidson asked why the tax statements had come in the mail only yesterday. Assistant Assessor Frankenberg stated that tax statements were mailed out earlier, but they had some errors. Corrected forms were mailed out earlier this week, the corrections that were made did not affect change the property valuations.

Assistant Assessor Frankenberg stated that the County Assessor's office had received one call and letter prior to the Board of Adjustment meeting.

**Peter Hegseth**

**66.680.0190 & 66.700.0100**

Assistant Assessor Frankenberg stated that his office had received a written request on the valuation increase of two parcels owned by Mr. Hegseth. After the call, Assistant Assessor Frankenberg reviewed the file further. He recommended a reduction to the value of both parcels.

Motion by Henke, second by Mortensen to approve a reduction in the assessed value of parcels: 66.680.0190 from \$4,100 to \$2,700 and 66.700.0100 from \$5,700 to \$3,800. Motion Carried 4-0-0

**Dorothy Wolkenhauer**

**66.500.0040**

Mrs. Wolkenhauer had called the Assessor's offices with questions on the valuation of her property. Assistant Assessor Frankenberg said that he reviewed the property file and discussed it further with Mrs. Wolkenhauer. He stated that she was satisfied with the answers to her questions.

Motion by Mortensen, second by Henke to adjourn the meeting at 5:55 pm.

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Mark R. Vahlsing, City Administrator

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Michael Engel, Mayor



# BOLTON & MENK, INC.

## Consulting Engineers & Surveyors

2035 County Road D East • Suite B • Maplewood, MN 55109-5314

Phone (651) 704-9970 • Fax (651) 704-9971

[www.bolton-menk.com](http://www.bolton-menk.com)

### MEMORANDUM

Date: April 12, 2016  
To: Kenyon City Council  
City Administrator Mark Vahlsing  
From: City Engineer Joe Rhein  
Subject: Project Updates

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This memo provides a brief update of recent activities on the First Street and Fire Station projects.

#### **First Street Improvement Project**

- Contracts have been prepared, completed by the contractor (Heselton Construction), and reviewed by the City Attorney. Final execution is anticipated within one week.
- A preconstruction meeting with the City and contractor is scheduled for April 12th.
- A Neighborhood Information meeting is scheduled for 6:00 pm on April 18<sup>th</sup>.
- Following the Neighborhood Meeting and final execution of the contract a Notice to Proceed will be issued to the contractor. This is anticipated on April 19<sup>th</sup>.
- Contractor intends to mobilize and begin preliminary activities the week of April 18<sup>th</sup>.
- Main construction activities are anticipated to start the week of April 25<sup>th</sup>.

#### **Fire Station Project**

- Plans and specifications:
  - Completed and submitted to the USDA Architect for review.
  - Comments are anticipated in mid-April.
  - Following approval by the USDA Architect a meeting will be scheduled to review the complete plan and specification with the full City Council.
- USDA Funding Application:
  - The Mayor, Administrator, and City Engineer met with the USDA representative April 5<sup>th</sup> to review the USDA Letter of Conditions. All necessary forms were signed.
  - The application has now been sent to the USDA Office of General Counsel (OGC) in Kansas City for review.

We will be present at the City Council meeting on April 12<sup>th</sup> to review this information. If discussion is desired in advance of the meeting, please contact me at 651-968-7384 or [joerh@bolton-menk.com](mailto:joerh@bolton-menk.com).

## LIMITED USE AGREEMENT

THIS LIMITED USE AGREEMENT (the “Agreement”) is entered into as of April 12, 2016, by and between the CITY OF KENYON, a Minnesota municipal corporation (the “City”) and MR. LUIS F. TELLEZ (the “Applicant”).

### RECITALS

- A. The City of Kenyon is the owner of the Kenyon Municipal Liquor Store (645 2<sup>nd</sup> Street) and adjacent vacant lot in the City of Kenyon described as follows: Parcel Number: 66-520-0380; Lot 009, Block 004; Plat 66520 Overholts Addition (the vacant lot is hereinafter referred to as the “Property”).
- B. The Applicant desires to use a portion of the Property as designated by the City for the purpose of operating a mobile food unit.

### AGREEMENT

- 1. **Offer and Acceptance of Agreement.** Subject to the terms and conditions of this Agreement, the City and the Applicant agree that the Applicant may operate a mobile food unit on the Property owned by the City described above.
- 2. **Consideration.** In consideration for the right to conduct business on the Property, the Applicant shall pay two hundred fifty dollars (\$250.00).
- 3. **Use and Scope of Agreement Premises.** Subject to the conditions set forth herein, the non-exclusive limited use of the Property is hereby granted to Luis Tellez for the purpose of operating a mobile food unit. This limited use is subordinate to any and all rights of City in the Property. City reserves the right to the use of the Property herein granted non-exclusively to the Applicant for the City’s own purposes.

The non-exclusive limited use of the Property includes the following conditions:

- A. The mobile food unit may be on site from 12:00 p.m. Thursdays until 12:00 a.m. Saturdays from May 6, 2016 through October 15, 2016 (does not include Rose Fest Weekend).
- B. The mobile food unit must be located on the south-east portion of the lot away from 2<sup>nd</sup> Street.
- C. A Certificate of Liability Insurance must be provided, naming the City of Kenyon as an additional insured.
- D. Applicant agrees to comply with applicable City, County, and/or State Codes.
- E. The Property must be kept clear of debris and waste.

- F. Applicant is responsible for all costs associated with operation of the mobile food unit.
- G. Applicant agrees to remove the mobile food unit immediately at the request of the City.

4. **Indemnification.** The Applicant shall at all times indemnify and hold harmless the City from any and all claims for damages, including costs and attorney fees, arising from or by the use of the Property or pursuant to this Agreement, provided, however, that nothing in this Agreement shall be construed to waive any rights that the City has against the Applicant under this Agreement. Nothing in this Agreement shall be construed as a waiver by the City of any limitations on liability to which the City is entitled pursuant to Minnesota Statutes Chapter 466 or otherwise.

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5. **Entire Agreement.** This Agreement shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of the Agreement shall not be binding upon either party except to the extent incorporated in the Agreement.

6. **Modification of Agreement.** Any modification of this Agreement or additional obligation assumed by any party in connection with this Agreement shall be binding only if evidenced in writing signed by the parties to be affected by said modification or additional obligation.

7. **Assignability of Agreement.** It is expressly agreed that Mr. Luis F. Tellez shall not have the right to assign any rights under this Agreement except on the prior, express, and written consent of the City.

8. **Termination.** The City or the Applicant may terminate this Agreement at any time for any reason, or for no reason at all, by providing written notice to the other party. Upon termination of this Agreement, the Applicant shall remove the mobile food unit from the Property.

9. **Notice.** Any notice, demand, or other communication under this Agreement by either party to the other shall be sufficiently given or delivered if it is dispatched by mail or delivered personally; and

- A. in the case of the Applicant, is addressed or delivered personally to the Applicant at 5407 510<sup>th</sup> Street Path, Kenyon, MN 55946 and
- B. In the case of the City, is addressed or delivered personally to the City at City of Kenyon, 709 2<sup>nd</sup> Street, Kenyon, MN 55946.



TACO EXPRESS 2016.

May----- 6 - 7  
May----- 13-14  
May----- 20-21  
May----- 27-28

June----- 10-11  
June----- 24-25

July----- 1- 2  
July----- 8- 9  
July-----15-16  
July-----29-30

August----- 5- 6  
August-----12-13  
( August-----19,20,21. Rose Fest)  
August-----26-27

September----- 2- 3  
September----- 9-10  
September-----16-17  
September-----23-24

September 30-October 1  
October----- 7- 8  
October-----14-15

NOTE: These are some dates that we would think of being in Kenyon.  
Depending on weather and or other festivals in different towns it may vary. Any questions please call Brenda Rapp at 507-581-4348  
Thank you for your time.



**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 5/31/2016 ID# 25124

ISSUING AUTHORITY Kenyon

Licensee Name Kenyon Country Club Inc.

Trade Name Kenyon Country Club

City, State, Zip Code PO Box K/46000 Hwy 56 N  
Kenyon MN 55946

Business Phone 5077896307

License Fees: **Off Sale** \$0.00 **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. See 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.

**CITY OF KENYON  
RESOLUTION NO. 2016-11**

**RESOLUTION SUPPORTING THE MINNESOTA BROADBAND VISION**

The Vision

“Everyone in Minnesota will be able to use convenient, affordable, world-class broadband networks that enable us to survive and thrive in our communities and across the globe.”

WHEREAS; broadband, or high speed Internet, is essential today and increasingly essential for community vitality, including competitive economic development, affordable and quality health care, equitable education and effective government; and

WHEREAS;, vast areas of Minnesota and thousands of Minnesotans lack access to affordable and reliable broadband services that meet or exceed the federal broadband standard of 25/3 Mbps; and

WHEREAS;, the long and short-term benefits of achieving our broadband vision will be spread widely across our entire Minnesota community while failing to reach our broadband vision will sentence some rural areas to second class status and permanent decline;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KENYON, MINNESOTA, AS FOLLOWS:

The City of Kenyon City Council adopts the Minnesota Broadband Vision and encourages the Minnesota Legislature and Governor to provide sufficient leadership, resources and legal framework to ensure that the State of Minnesota achieves this vision by 2020.

Adopted by the City Council of the City of Kenyon on April 12, 2016.

Approved:

\_\_\_\_\_  
Michael Engel, Mayor

Attested:

\_\_\_\_\_  
Mark R. Vahlsing, City Administrator



# Kenyon Senior *Living*

Kenyon Sunset Home • Gunderson Gardens •  
Gunderson Suites • Rose Wing

March 2, 2016

RE: KSL Sprint For Seniors 5K

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Dear Mark Vahlsing,

We are writing to request the city of Kenyon's approval to hold Kenyon Senior Living's 2<sup>nd</sup> Annual 5 K Fun Run/Walk on May 21<sup>st</sup>, 2016 with a start time of 9:00 am. We are estimating the number of participants to be around 100. You will find our proposed route of the run enclosed for your review. Please feel free to contact me should you have any questions or concerns regarding our event.

We will contact the KPD once approved for assistance with route escort for the event.

Thank you.

Sincerely,

Chelsea Kalal, LNHA  
507.789.7101  
[ckalal@kenyonsunsethome.com](mailto:ckalal@kenyonsunsethome.com)

Equal Opportunity Employer & Provider

127 Gunderson Blvd \* Kenyon \* MN \* 55946 \* 1-507-789-6134

# KSL Sprint for Seniors 5K Fun Run/Walk



CITY OF KENYON  
 ADMINISTRATIVE POLICY #24  
 GARBAGE AND RECYCLING

I. PURPOSE AND NEED FOR POLICY

The City has determined that the collection of garbage and recycling shall be mandatory, and billing of fee will be on the monthly utility bill.

II. POLICY

- The City will contract with a refuse and recycling company as outlined in Kenyon City Code; Section 1115; Garbage and Refuse Collectors
- Council shall award an annual license to a refuse and recycling company.
- Council will approve all rates for refuse and recycling.

III. GARBAGE COLLECTION:

- 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 will be no charge for these carts, and the cart must remain with the property should you move. (If you take the cart, you will be charged for it.)
- Rates per month are determined when applying for Utility Service: (Rates effective 4/20/16.)
  - ◆ Single / Senior (62 or over): ~~\$14.50~~12.95
  - ◆ Family: ~~\$20.30~~18.95
- Fuel Surcharge: In order to provide the most cost-effective solution for the City of Kenyon we have chosen to provide a separator for fuel prices. If diesel fuel remains below \$3 per gallon, the fuel surcharge will be 0 percent. If diesel fuel is at or above \$3 per gallon, the following percentages will apply to Ron Grose base rate.

Diesel Fuel Price per Gallon	Fuel Surcharge
< <del>\$3.00</del> <u>3.50</u>	0 percent
<del>\$3 to \$3.24</del> <u>3.50 to \$3.74</u>	2 percent
\$3.25 to \$3.49 <del>3.75 to \$3.99</del>	4 percent
<del>\$3.50 to \$3.75</del>	<del>5 percent</del>
For every \$0.25 per gallon increase above <del>\$3.75</del> <u>3.99</u>	The Fuel Surcharge will increase by 1%

The published index for determining monthly diesel fuel prices will be the Department of Energy's (DOE) "Weekly Retail On-Highway Diesel Prices" for the Midwest region. The price published for the first Monday of the month will be used as that month's diesel fuel price. The prices can be viewed at the DOE's website:

<http://www.eia.gov/petroleum/gasdiesel/>

- Garbage Pickup Schedule: The garbage pickup schedule will be approved by City Council in its sole discretion. Collection day is Wednesday.

▪ <del>West of Forest &amp; South of Gunderson Blvd.</del>	Monday
▪ <del>NE Corner of Tracks and Trondheim. Some Commercial.</del>	Tuesday
▪ <del>East of Forest (Trailer Court) and South of Main.</del>	Wednesday
▪ <del>North of Main and West of Red Wing Avenue</del>	Thursday
▪ <del>Commercial</del>	Friday

- Directions for Use of Garbage Carts:
  - “ All garbage must be in the cart.
  - “ Place your cart at the end of your driveway, with the opening of the lid facing the street.
  - “ Allow 3 feet of space around the cart
  - “ If you have items that won't fit in the cart, they won't be collected with the regular garbage unless you have contacted ~~Grose-Refuse~~Gibson Sanitation ahead of time to arrange for pickup. (There ~~will~~ may be ~~a~~ an additional fee charged at the time of any extra pickup.)
- Interruption of Garbage Service:
 

No charges will be incurred for any billing period if there is an absence of at least 30 consecutive days. All interruptions in service must be approved in advance by the City.

#### IV. RECYCLING COLLECTION:

- Recycling fee: \$5 per month
- Directions for Recycling:
  - ◆ No Sorting Necessary: Put all recyclable materials into the blue recycling cart.
  - ◆ Place cart at the end of your driveway on the scheduled Wednesdays.
  - ◆ Put with opening of lid facing street and allow 3 feet of space around container.
- ACCEPTED MATERIALS :
 

Glass bottles and jars, metal beverage and food cans, plastic bottles with narrow necks, paper from news, magazines, junk mail. Dry non-coated food paper boxboard, small flat pieces of corrugated cardboard box material.
- NOT ACCEPTABLE RECYCLABLES:
 

Garbage, food waste, diapers, paper plates, plastic bags, wax or plastic wrap or bags, plastic deli products or take-out packaging, wrapping film, Styrofoam packing materials, window glass, ceramics or dishware, mirrors and light bulbs.
- Recycling Schedule:

Recycling will be picked up every-other Wednesday.

- Interruption of Recycling Service:  
No charges will be incurred for any billing period if there is an absence of at least six consecutive months.

Administrative implementation of policies is the responsibility of staff and council.

Adopted by the City Council on June 12, 2012  
Amended by the City Council on April 12, 2016