# AGENDA
# CITY COUNCIL MEETING
# August 10, 2016
*(Note change in date of meeting)*

*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 Meeting Minutes of July 12, 2016

**VI. PRESENTATIONS/PUBLIC HEARINGS RECOGNITIONS/PROCLAMATIONS**

**VII. ENGINEERING**

A. Update on 1st Street Reconstruction Project
   1. Status of Sanitary Sewer Services
   2. Pay request #4 – Heselton Construction
B. Update on Fire Facility Project

**VIII. LEGAL**

A. Update on Property Abatement at 411 Bullis St.
B. Ordinance 82, Third Series: Opting-Out of the Requirements of MN Statutes, Section 462.3593 dealing with Temporary Family Health Care Dwellings
C. Lot Combination Request – Kenyon Ace Hardware
D. Partition Fence Law Revisions
   1. Resolution 2016-19: Resolution Exempting Adjoining Property Owners and Occupants from MN Statutes Chapter 344 when their Land Considered Together is under 20 acres.

**IX. FINANCIAL**

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

**X. OLD BUSINESS**

A. Resolution 2016-22: Resolution Awarding the Sale of General Obligation Loan

Anticipation Notes, Series 2016B, in the Aggregate Principal Amount of $_____; Fixing their Form and Specifications; Directing their Execution and Delivery; and Providing for their Payment

**XI. NEW BUSINESS**

A. 316 & 318 Trondheim Road Drainage Issues (Pavek & Ugland)
B. Forfeited Property – PID #66-160-0216
C. Digital Speed Limit and Pedestrian Crosswalk Signs
D. Seek Quotes for 2016 Audit Services

**XII. OTHER BUSINESS**

A. Schedule of Upcoming Meetings
   1. City Council Meeting: Tuesday, September 13th @ 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 August 10, 2016

Attached please find the agenda and related materials for Wednesday'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 July 12, 2016
June 2016 Treasurer's Report
Payment of Claims

***MOTION NEEDED***

## V. APPROVAL OF MINUTES

Consent Agenda Item

## VI. PRESENTATIONS/PUBLIC HEARINGS

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

Update on 1st Street Reconstruction Project

The final lift of pavement has been completed. The City Engineer will provide an update on the status of the project.

Status of Sanitary Sewer Services

There are 8 properties that will need to have a new sewer service line installed into the sewer main on 1st St. now that the Street and utility work is completed. The owners of these properties were sent a letter informing them that they have until November 1, 2016 to connect to the new sewer main. Further information on these properties is listed in the City Engineers memo. The City Engineer will provide an update on the status of the project.

Pay request #4 - Heselton Construction

***MOTION NEEDED***

Update on Fire Facility Project

The project contract has been signed by all parties and is under final review from the City Attorney. A pre-construction meeting has been tentatively scheduled for August 15. The City Engineer will have further information on status of the project.

## VIII. LEGAL

Update on Property Abatement at 411 Bullis St.

Chief Sjolander and I met with Goodhue County Building Official Doug Morem on Tuesday. He is preparing a comprehensive inspection report on the property and hopes to have it completed within two weeks. After the report is completed, a public hearing will be scheduled to possibly authorize an abatement order for the property.

Ordinance 82, Third Series: Opting-out of the Requirements of MN Statutes, Section 462.3593

The Planning Commission held a public hearing on August 1 on the new law allowing certain types of accessory dwellings in all areas for the temporary care of family members for health purposes. The new law usurps local zoning regulations. Cities and Counties can opt of the new State regulations. In order to opt out of the state regulations an amendment to the City Zoning Ordinance must be amended.

After the public hearing, the Planning Commission discussed the new law and possible impacts on the City. They voted to recommend that the City opt out of the state law by amending the Zoning Ordinance (City Code Chapter 500).

If the City Council wants to opt out the State Law Ordinance 82 will need to be adopted. The City attorney will provide further information at the Council meeting.

***MOTION NEEDED – Roll call vote required***

Lot Combination Request – Kenyon Ace Hardware

Cameron Eggert is requesting approval to combine two lots that are the parking lot west of the store. These were the lots that the Hardware Store bought from the City. The lots are both narrow and do not meet the minimum lot size of the C-1. Combining the lots would create a parcel that would conform to zoning ordinance. An aerial diagram showing the existing lots from the Goodhue GIS web site is attached.

***MOTION NEEDED***

Partition Fence Law Revisions

Under Minnesota Statues, Cities can be required to mediate disputes between land owners. The law is referred to as the "Partition Fence Law". This law has been problematic for some cities in the past. The legislature passed an exemption amendment to the law during the last session that allows cities to opt out of the law. A memo from the City Attorney in included in the packet. In order to opt out of the law, the resolution below has to be adopted.

Resolution 2016-19: Resolution Exempting Adjoining Property Owners and Occupants from MN Statutes Chapter 344 when their Land Considered Together is less than 20 Acres

***MOTION NEEDED***

## IX. FINANCIAL

July 2016 Treasurer's Report – Consent Agenda Item

Payment of Claims – Consent Agenda Item

## X. OLD BUSINESS

Resolution 2016-22: Resolution Awarding the Sale of General Obligation Loan Anticipation Notes, Series 2016B, in the Aggregate Principal Amount of $_____; Fixing their Form and Specifications; Directing their Execution and Delivery; and Providing for their Payment.

George Eilertson of Northland Securities will attend the August 10 Council meeting to discuss the award of the interim financing for the Fire Hall project. Further information is contained in the meeting packet.
***MOTION NEEDED***

## XI. NEW BUSINESS

316 & 318 Trondheim Road Drainage Issues (Pavek & Ugland)

The property owners are requesting that the City provide some type of storm drainage where they have experienced drainage issues. See letter and other information in your meeting packet. The properties are located north of Trondheim road and below (east) of Bergen Circle. The Ugland house was constructed sometime after the original Bergen Circle development was constructed. Bergen Circle was re-constructed in 1999.

The property owners have stated that they have experienced drainage issues since Bergen Circle was improved in 1999. I have included in the packet a plan sheet from that project. It shows the elevations of the cul-de-sac before and after the improvements. The elevation was lowered slightly after that project. Two drainage outlets were also installed at the time. The owners have also stated that they were told by the City engineer when Trondheim Road was re-constructed that some type of drainage could be installed. But the intention at that time may have been to assess the affected properties for that cost. The property owners have indicated to me that they do not feel that they should be assessed for any improvements related to this issue.

The City Engineer and I have met with the property owners and subsequently visited the site. We have observed standing water at the bottom of the hill throughout the summer due to the high amount of rainfall. The water most likely originated from Bergen Circle. The two main claims raised by the property owners were an increase in drainage from the 1999 improvements including the installation of the drainage outlets, and the fact that the City had offered to install some type of storm drainage in that area.

To the first claim it cannot be substantiated that the 1999 improvements made the area drainage worse. The elevation of the street was slightly lowered then which made the drainage somewhat less. Since Bergen Circle has surmountable (Drive over) curb, water has always drained over the curb and down the hill. After the installation of the drainage outlets, the amount of drainage would not be increased but concentrated to two areas. So, based on the 1999 improvements, it cannot be determined that the drainage has increased. To the second claim that the City offered to install some type of storm drainage during the Trondheim Road improvements, we have no way to verify if the City did make such an offer and if assessments to finance the improvements were proposed.

If the Council would like to review this further, I would recommend that the City Engineer be authorized to study this issue and report back to the Council with possible options to help correct the drainage issue. As far as financing any possible improvements, the options would be either assessing the benefiting properties or the City paying for the improvements out of the Storm Water Utility fund or some combination thereof.

Forfeited Property: PID #66-160-0216

A property in Trondheim Addition has come up for tax forfeiture. According to State statute, the City can claim the parcel for public use. At this time there does not appear to be a potential public use for the parcel. Therefore taking no action and letting the parcel go up for public

auction would be the most prudent action. A letter from Goodhue County and an aerial photo showing the parcel are attached.
***MOTION MAY BE NEEDED***

Digital Speed limit and Pedestrian Crosswalk Signs
The City has had requests in the past to install digital speed limit and lighted crosswalk signage. I would like the Council to discuss the concept further. Chief Sjolander and I met with one company that sells this type of sign. Included in the packet is some information from a catalog for reference. Generally, the cost for the Digital Speed signs is $2100-$2500, and cross walk signs is $8500 (for two signs in a crosswalk). This could be considered further in 2017.
***MOTION MAY BE NEEDED***

Seek Quotes for 2016 Audit Services
The 3-year quote from Smith Schaffer ran through 2015 for audit services; therefore, the City has to obtain another quote from that firm or seek quotes. Last year the Council had directed me to seek quotes, but since there was one year left with Smith Schafer we did not do that. This year the City could actively seek quotes, and this would require Council action.
***MOTION MAY BE 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 7:00 p.m. on the 12th day of July, 2016. The following members were present: Mayor Mike Engel, Council Members, Fred Barsness, Richard Nielsen, Doug Henke and John Mortensen. Also present: Administrator Mark Vahlsing, Engineer Joe Rhein, Attorney Scott Riggs, Police Chief Lee Sjolander, and Administrative Assistant Pam Blow.

**CITIZEN COMMENTS**
None

**ADOPT AGENDA**
Motion by Nielsen second by Mortensen to approve the agenda as published. Motion carried 5-0-0.

**CONSENT AGENDA**
Motion by Nielsen second by Henke to approve the Consent Agenda, which includes payment of check numbers, 65067 through 65195; 2595E through 2612E; and additional checks 65196 through 65215. Motion carried 5-0-0.

**PRESENTATIONS**
**Recognition of Chief Sjolander**
Mayor Engel read a prepared statement acknowledging Chief Sjolander for his service to the City, his recent visit to the White House.

**Legislative Update by Senator Matt Schmit**
Senator Matt Schmit provided a legislative update.

**ENGINEERING**
**Update on 1st Street Reconstruction Project**
According to City Engineer Rhein, the first lift of pavement is in place, along with the sod. The initial inspection took place on June 28, 2016, and a punch list of items for completion was prepared. The second lift of pavement is scheduled to be put down on July 13, 2016.

**Pay Request #3 – Heselton Construction - $115,272.69**
Engineer Rhein noted that the balance of the project would be on the next pay request which will be reviewed at the August council meeting. The final assessment amounts would be figured for the September meeting.
Motion by Henke, second by Nielsen to approve the pay request in the amount of $115,272.69. Motion carried 5-0-0.

**Update on Fire Facility Project**
Engineer Rhein noted that the City passed a resolution to award the bid for the Fire Hall project to Mohs Construction, pending concurrence of the USDA. The USDA provided their approval of the contract on July 5, 2016. The draft contract has been forwarded to Mohs Construction for their signature. The USDA will review the final signed contract. According to Rhein, the pre-construction meeting will be held the first part of August.

Rhein reviewed the approved USDA Project budget. He said that the USDA will continue to base the project financing amount on the original engineers' estimate. This will help ensure they allocate enough funding for the project. The City will be required to secure interim project financing through a bond sale. The USDA will release their final financing when the project is complete. Councilman Barsness

asked for clarification of the architect and engineering fees, and whether they are being paid out of the project budget. Administrator Vahlsing noted that the base engineering fees, along with assistance with the rural development financing were in the budget for the project. The architect's fees listed in the budget cover project design and construction administration. He also said that there were some pre-development costs related to the project that were not included in budget. Most of these costs were related to site selection, and financing. Councilman Nielsen asked if there is an itemized total for engineering for the project. Administrator Vahlsing noted that all the previously incurred costs for legal, engineering, architects, etc. will be repaid to the City when funding is procured. The USDA does not itemize the engineering fees, but puts them in the contingency category. Engineer Rhein noted that some of the engineering costs are included in the architect fees. Those fees were estimated as ten percent of the cost of the project, but are not billed that way.

**Northridge Drive Sewer Main Replacement**

According to Engineer Rhein, the project location begins at the manhole at the top of the hill coming off Trondheim Road, and goes to the south about 100 feet. That portion of the sewer main needs to be replaced. Administrator Vahlsing noted that the quotes received were based on replacing the portion of the sewer that was previously televised. Once the sewer line is exposed, it can be determined how much of the line will need to be replaced. Two quotes were received: Schumacher Excavating Inc. - $18,000 and B & B Excavating - $8,300. Engineer Rhein noted that neither bid includes blacktop repair, and are comparable for the scope of work.

Motion by Barsness, second by Nielsen to approve the quote from B & B Excavating in the amount of $8,300. Motion carried 5-0-0.

**LEGAL**

**Update on Property Abatement at 411 Bullis St.**

Attorney Riggs noted that Chief Sjolander has gained access to the property. The City building official will be required to conduct an inspection of the property. The inspection will determine if the house is structurally viable. Chief Sjolander noted that he spoke with the tenants of the property, and tried to address their concerns as to why an inspection is necessary. According to Chief Sjolander, up to five people live at the property. The amount of debris inside the house is a problem, and could pose fire safety issues. If the house is not structurally viable Attorney Riggs recommends getting an administrative abatement order to demolish the house. According to Riggs, if an order is issued and the property is not brought up to structural viability, the judge can order the property razed. The council needs to decide how much time the tenants have to complete the cleanup, and structural improvements. Councilman Henke commented that he would like to see the City move as quickly as we can to get a solution to this matter. Chief Sjolander will talk with the tenant about allowing the building official to do an inspection.

**Ordinance Opting-Out of the Requirements of MN Statutes, Section 4262.3593 Dealing with Temporary Family Health Care Dwellings**

According to Attorney Riggs, this law was enacted during the last State legislative session. The LMC put out information that explains what action cities can take in allowing "granny pods" to be put on property and connected to the sewer system. The purpose of this type of housing is to provide access to the main house on the property and in order to provide care to the person living in the temporary building. Mayor Engel commented that it would be unlikely to affect Kenyon, but he feels we should opt-out. Attorney Riggs noted that if we don't opt-out, we don't have control over this type of housing. A public hearing will be held by the Planning Commission in August since this is a zoning issue. The council can consider the ordinance further at the next meeting.

## OLD BUSINESS

### Amy Repinski for Hiawathaland Transit

According to Ms. Repinski, a survey was completed in the Kenyon and Wanamingo area to meet grant requirements. According to the survey, 74% of respondents said they would use public transportation if it was available. The proposal for K-W would be a dial-a-ride program, with some fixed out of town routes available as well. The cost per ride would be $1.75 for the Kenyon-Wanamingo area, $3.50 for rides to Faribault or Zumbrota, and $5 for a ride to Rochester. The annual operating cost of the service is provided by Three Rivers Community Action through the Minnesota Department of Transportation. The cities of Kenyon and Wanamingo would be responsible for 20% of the vehicle replacement every six to seven years. The 20% would be proportionally split between the two cities. Ms. Repinski noted that they would ask a representative of Kenyon-Wanamingo to be on the Three Rivers board of directors. If approved by MN DOT, the program could be operational by January 1, 2017. This transportation would not be available for normal school transportation. It could be utilized by children attending or returning from pre-school activities. Administrator Vahlsing noted that if the cost of the vehicle is figured using population as the basis of allocating cost, our portion would be $9,800 when a vehicle is purchased. For the first two years, a backup vehicle would be used. We will know by the middle of November if the program is approved.

### Resolution 2016-17: Resolution Committing Support to Provide Public Transportation

Motion by Nielsen, second by Engel to approve Resolution 2016-17. Motion carried 5-0-0.

### Proposed Changes to City Code Section VII – Public Utilities

According to Administrator Vahlsing, the changes to the City Code would be made to section 705.05 (Waste disposal) and 705.07 (Private wastewater disposal). The amendment would revise the amount of time that is allowed to connect to the city's sewer system. In both sections, the deadline would be changed to November 1st of the year that the city main is either updated or constructed, or for properties with existing Septic Systems.

### Ordinance 81, Third Series: An Ordinance Amending Section 705 as to the Wastewater Treatment of the City of Kenyon

Motion by Mortensen, second by Henke to approve Ordinance 81, Third Series. Motion carried 5-0-0 with a roll-call vote.

### Change August 9, 2016 Council Meeting Date

This change is required because the Primary Election is being held on the regular meeting night. Motion by Mortensen, second by Nielsen to change the August council meeting to Wednesday, August 10, 2016 at 7:00 p.m. Motion carried 5-0-0.

### Engagement Letter for Interim Financing for Fire Facility

According to George Eilertson of Northland Securities, the City will need to issue $2,900,000 in interim financing. Mr. Eilertson stated that the financing will need to be authorized at the August 10, 2016 council meeting, and will then be closed at the September Council meeting. Funds will be distributed after the closing is completed. According to Mr. Eilertson, the interest rate for the interim financing will be less than one percent. The rate for the USDA long term financing will be 2-7/8%. There will not be a bond rating required because of the short time of the loan. Northland Securities will purchase the bonds and will include local financial institutions.

Motion by Henke, second by Nielsen to approve the engagement letter with Northland Securities.

Motion carried 5-0-0.

Mr. Eilertson noted that when the City closes the loan with the USDA, the bond principal and interest will need to be under $144,000 annually for the City to stay under State annual debt limits. With the debt for the City Hall not being paid off until 2021 the City would go over the annual debt limit for three years. Eilertson noted that the City would have to pay the City Hall bonds off early, or re-finance them to stay under the annual debt limits.

**NEW BUSINESS**

**Resolution 2016-18: Resolution of Adoption of Election Judges for 2016**

Motion by Henke, second by Nielsen to approve Resolution 2016-18. Motion carried 5-0-0.

**Goodhue County "Nielsen Park" Development Master Plan**

Administrator Vahlsing noted that Goodhue County Public Works will be conducting a master planning process for the future development of Nielsen Park. They are looking for volunteers. They would like to get a consensus of ideas for a park. They would like to have township and city representatives.

Motion by Henke, second by Nielsen to appoint Councilman Mortensen to the committee. Motion carried 5-0-0.

**Donation for Landscaping in Veterans' Park**

Councilman Henke, Mike McDonald and Richard Westphal are members of the Kenyon Veterans' Color Guard. They have had several meetings with Administrator Vahlsing to discuss landscaping improvements in Veterans' Park. The improvements would include paving and landscaping. Administrator Vahlsing noted that he supports the project, and discussed a donation from the Liquor Store with Manager Matt Bartel. A letter supporting the donation is included in the materials for the meeting tonight, and Mr. Bartel suggested a donation in the amount of $300 to $500. Mr. Westphal noted that this park is a big draw for the city. According to the landscaping plan, the project would include about $1,125 in hardscaping materials, and $1,125 for plants and shrubs. Storey Landscaping will donate their labor for the project.

Motion by Barsness, second by Engel to approve the donation of $500 from the Municipal Liquor Store fund. Motion carried 5-0-0.

**Appointments to Park & Recreation Committee**

Motion by Engel, second by Nielsen to appoint Bryana Siefert and Abigail Held to the Park & Recreation Committee. Motion carried 5-0-0.

**Rose Fest Requests**

Motion by Nielsen, second by Mortensen to all of the Rose Fest requests: 1) Liquor Store Street Dance; 2) Parade Permit; 3) Port-a-Potty Payment; 4) Street Closures; 5) Sidewalk Vendors on 2nd Street; 6) 2nd Annual Kenyon Fire Dept. 5K run/Walk Route approval; 7) Donation to Cannon Valley Shriners Club - $250. Motion carried 5-0-0.

**OTHER BUSINESS**

**Schedule of Upcoming Meetings**

City Council Meeting: Tuesday, August 10th @ 7 p.m.
SEMLM Meeting: Wednesday, July 27th in Pine Island

**COUNCIL AND STAFF GENERAL COMMENTS**

Councilman Mortensen gave kudos to Chief Sjolander.

Councilman Henke commented that he was pleased with the number of items that have been accomplished by the council/city.

Motion Nielsen, seconded by Mortensen to adjourn the meeting at 8:58 p.m. Motion Carried 5-0-0.

Pam Blow, Administrative Assistant

Michael Engel, Mayor

**City of Kenyon**
**First Street Improvement Project**

## SUMMARY OF SANITARY SEWER SERVICES

**Prepared by Bolton & Menk**
**July 2016**

This document summarizes the status of sanitary sewer services at the conclusion of the work under the First Street Improvement Project for the properties within the project area.

### CATEGORY 1 - PRIVATE SEWER

-Following are the properties still connected to a private sanitary sewer.
-A service from the new City sewer in First Street was stubbed to the property line.
-To connect to City sewer, the property owner will need to extend the service to the house.

**Eight properties are in this category:**

510 First Street
515 First Street*
516 First Street
608 First Street
614 First Street
620 First Street
626 First Street
632 First Street

*515 First Street is currently served by a joint service with 509 First Street. A separate service from the new City sewer in First Street is stubbed out to the property line of 515.

### CATEGORY 2 - CONNECTED TO CITY SEWER IN FIRST STREET

-Following are the properties where the existing service from the home was connected to the new City sanitary sewer in First Street as part of the project.

**Nine properties are in this category:**

418 First Street
509 First Street
609 First Street
615 First Street
621 First Street
625 First Street
629 First Street
633 First Street
637 First Street

## CATEGORY 3 - CONNECTED TO CITY SEWER LOCATED SOMEWHERE OTHER THAN FIRST STREET

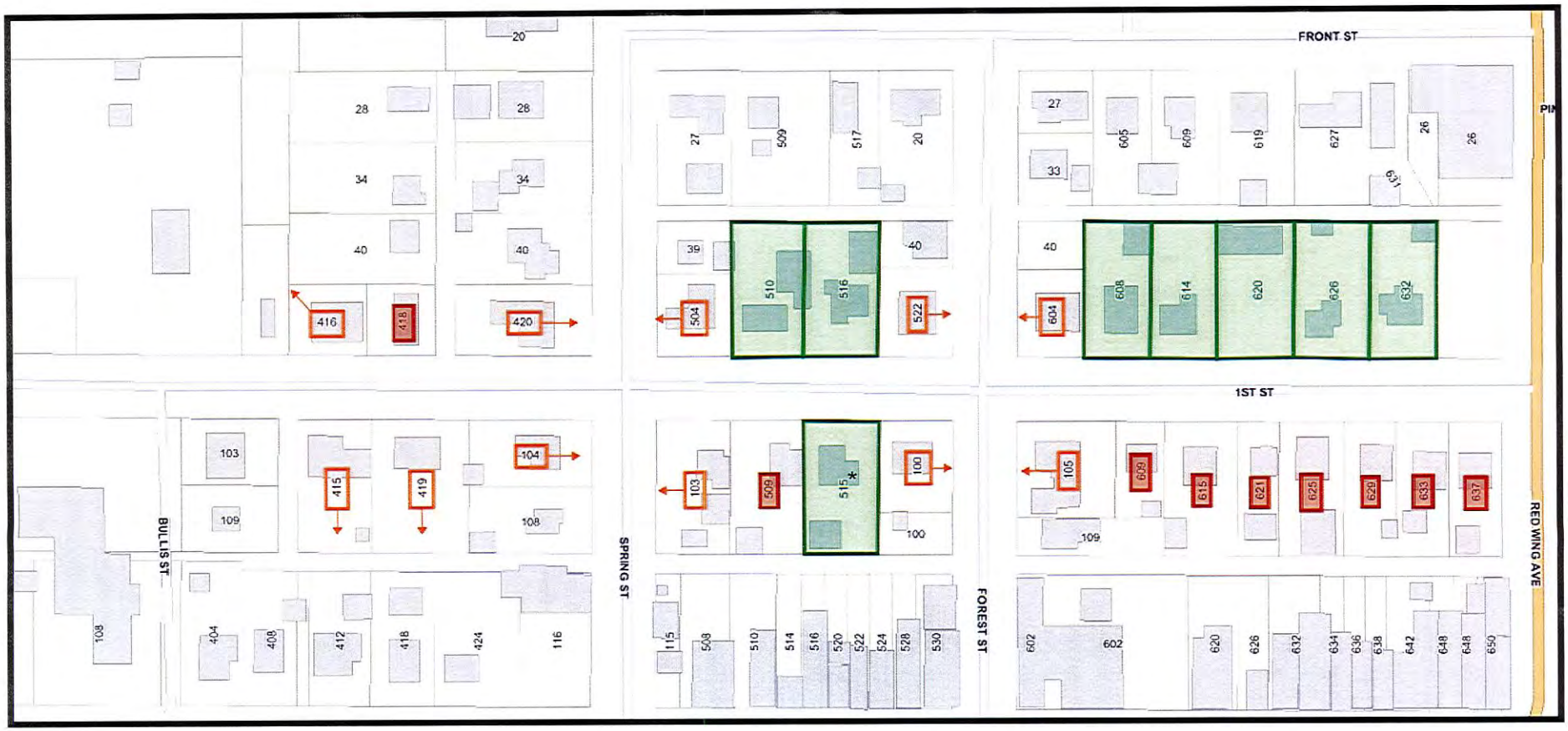
-Following are the properties where the existing service was found to be connected to an existing City sewer located somewhere other than First Street.

**Eleven properties are in this category:**

| Address | Notes |
|---|---|
| 415 First Street | Connects to City sewer in Depot Park. |
| 416 First Street | Connects to City sewer in alley to south. |
| 419 First Street | Connects to City sewer in alley to south. |
| 420 First Street | Connects to City sewer in Spring Street. |
| 504 First Street | Connects to City sewer in Spring Street. |
| 522 First Street | Connects to City sewer in Forest Street. |
| 604 First Street | Connects to City sewer in Forest Street. |
| 103 Spring Street | Connects to City sewer in Spring Street. |
| 104 Spring Street | Connects to City sewer in Spring Street. |
| 100 Forest Street | Connects to City sewer in Forest Street. |
| 105 Forest Street | Connects to City sewer in Forest Street. |

# First Street Improvement Project
# Summary of Sanitary Sewer Services

July 2016




Property currently served by private sewer. Service from new City sewer in 1st Street is stubbed to property line.

XXX Property where existing service was connected to new City sewer in 1st Street.

XXX → Property served by existing City sewer located somewhere other than 1st Street.

*515 1st Street is currently served by a joint service with 509. A separate service for 515 1st Street from the new City sewer is stubbed to the property line.

**CITY OF KENYON PLANNING COMMISSION**
**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, that the Planning Commission of the City of Kenyon will meet on August 1, 2016, at 6:00 p.m. in the Council Chambers at City Hall, 709 Second Street, Kenyon, Minnesota, to conduct a public hearing regarding newly adopted state regulations concerning land use and zoning controls allowing Temporary Family Health Care Dwellings in the State of Minnesota. The City of Kenyon has the option to opt out of the State regulations by City ordinance amendment. A copy of the proposed ordinance is available for inspection at City Hall during regular business hours.

At the public hearing, any person wishing to express a view regarding the proposed ordinance will be heard orally or in writing.

_____
Mark Vahlsing, City Administrator

Date of publication: July 20, 2016

**ORDINANCE 82, THIRD SERIES**

**CITY OF KENYON**

**AN ORDINANCE OPTING-OUT OF
THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593**

**THE CITY COUNCIL OF THE CITY OF KENYON ORDAINS as follows:**

**Section _____. City Code, Section _____ is amended as follows:**

**OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593:**

**SECTION 1**. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Kenyon opts-out of the requirements of Minnesota Statutes, Section 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

**SECTION 2.** This Ordinance shall be effective immediately upon its passage and publication.

**ADOPTED** this 10th day of August 2016, by the City Council of the City of Kenyon.

**CITY OF KENYON**

_____
Michael Engel, Mayor

ATTEST:

_____
Mark R. Vahlsing, City Administrator

# REQUEST FOR COMBINATION OF DESCRIPTIONS

To: Goodhue County Land Records Coordinator

Cameron Eggert (Kenyon Ace Hardware), owner of the following tax parcels,

has requested they be combined:

Parcel No.

66-100-0190

66-100-0200

66-100-0210

As owner of the above-described property, I declare these are the parcels I request be combined under one description.

Date: 7-13-16

Signed [signature]

**OFFICE USE**

Section/Plat:

School District:

Taxing District:

Ownership:

Adjacent:

New Parcel Number:

Dated this _____ day of _____. 20____.

Donald Mitchell
Goodhue County Land Records Coordinator
509 West 5th Street, Room 203
Red Wing MN 55066

# ArcGIS WebMap

August 5, 2016

House Number

PIN

**Roads 9.600**

Township or Other Roads

**Roads 300**

Township or Other Roads

**Roads 300**

Township or Other Roads

**Major Roads 600**

US Highway

State Highway

1:360

0 0.003 0.006 0.012 mi

0 0.00475 0.0095 0.019 km

ArcGIS WebApp Builder

Kennedy Graven
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# MEMORANDUM

**DATE:** July 7, 2016

**TO:** Mark R. Vahlsing, City Administrator

**FROM:** Scott J. Riggs, City Attorney

**RE:** Partition Fence Law Revisions

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The Governor has signed into law a bill which allows cities to be exempt from Minnesota's "Partition Fence Law." In part, the partition fence law is designed to mediate disputes between adjoining landowners by requiring them to share the costs of constructing fences under certain circumstances.

While the law is generally used in rural areas where fences are required to contain livestock, it applies throughout the state. The League of Minnesota Cities has pointed out that recently, landowners in suburban areas have used the partition fence law to force cities to appoint "fence viewers" and go through a costly review process over fence disputes in residential subdivisions. A city was sued because a property owner was displeased with the fence viewer's determination. A memorandum from LMC is also included regarding this matter.

The exemption can be effectuated by resolution, and would mean that a city council member would not have to serve as a "fence viewer" and mediate the merits and costs of new or repaired fences. A draft resolution exempting adjoining property owners and occupants from Minnesota Statutes Chapter 344 when their land considered together is under 20 acres is attached.

It is recommended that the City determine if it is appropriate to opt-out of the provisions addressed within Minnesota Statutes Chapter 344, meaning that anything contained in the City's code relating to fences would prevail.

SJR:jms
Enclosures

# LMC Memo on the Partition Fence Law

## Focus on New Laws: Partition Fence Viewing Exemption

**The law prevents cities from being dragged into neighbor disputes via a costly fence-viewing process related only to partition fences.**
*(Published May 31, 2016)*

A new law, Chapter 102, gives cities the authority to pass a resolution to be exempted from appointing fence viewers for parcels of land less than 20 acres. It was signed by Gov. Dayton on May 12 and took effect on May 13.

**What is the partition fence law?**

First enacted in 1905, the partition fence law (Minnesota Statutes, chapter 344, attached) is designed to mediate disputes between adjoining landowners by requiring them to share the costs of constructing fences under certain circumstances. The law is generally used in rural areas where fences are required to contain livestock, although it applies throughout the state, including the metro area.

Minnesota Statutes, section 344.02 provides limited definitions of what qualifies as a partition fence, including fences that are made of woven and barbed wire. Recently, landowners in suburban areas have used the partition fence law to force cities to appoint "fence viewers" and go through a costly review process over fence disputes in residential subdivisions.

**New language**

The newly approved Chapter 102 adds "home rule or statutory cities" to Minnesota Statutes, section 344.011 to allow a city, by resolution, to exempt adjoining owners or occupants from this chapter when their land considered together is less than 20 acres.

New language was added to Minnesota Statutes, section 344.20 to adopt a partition fence policy that would subsequently pre-empt the state law. This does not supersede an exemption from 20 acres or less (if adopted); this could be an additional partition fence ordinance that the city could adopt. Previously, both of these sections only applied to townships.

Given the limited definition of partition fences and the change in the law, it is unlikely cities will need to mediate these types of disputes.

The bill (SF 2986/HF 2757) was authored by Sen. Bev Scalze (DFL-Little Canada) and Rep. Cindy Pugh (R-Chanhassen).

# CHAPTER 102--S.F.No. 2986

*An act relating to local government; authorizing cities to exempt land less than 20 acres from the fence-viewing process; authorizing cities to adopt fence policies;*

*amending Minnesota Statutes 2014, sections 344.011; 344.20.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1.

Minnesota Statutes 2014, section 344.011, is amended to read:

**344.011 EXEMPTION.**

A home rule charter or statutory city council or town board may, by resolution, exempt adjoining owners or occupants from this chapter when their land considered together is less than 20 acres.

**EFFECTIVE DATE.**

This section is effective the day following final enactment.

Sec. 2.

Minnesota Statutes 2014, section 344.20, is amended to read:

**344.20 CITY OR TOWN OPTION.**

(a) If eight or more landowners in a home rule charter or statutory city or town petition the ~~town board~~governing body for a vote on a partition fence policy, the ~~town board~~ governing body may adopt its own policy and procedures for dealing with partition fences, including enforcement procedures. When a town board adopts a partition fence policy, the policy must be approved by the electors of the town at an annual or special town meeting, in which case this chapter does not apply in that town.

(b) This chapter applies to any partition fence lying on the boundary between a ~~town which~~ political subdivision that has adopted its own partition fence policy and any other political subdivision unless the other political subdivision ~~is a town which~~ has adopted a similar policy.

**EFFECTIVE DATE.**

This section is effective the day following final enactment.

Presented to the governor May 9, 2016

Signed by the governor May 12, 2016, 1:23 p.m.

SAMPLE RESOLUTION

**RESOLUTION NO. _____**

**CITY OF KENYON**
**COUNTY OF GOODHUE**
**STATE OF MINNESOTA**

**A RESOLUTION EXEMPTING ADJOINING PROPERTY OWNERS AND OCCUPANTS FROM MINNESOTA STATUTES CHAPTER 344 WHEN THEIR LAND CONSIDERED TOGETHER IS UNDER 20 ACRES**

**WHEREAS,** Minnesota Statutes Section 344.011 permits statutory and home-rule charter city councils to, by resolution, exempt adjoining property owners or occupants from Chapter 344 when their land considered together is less than 20 acres; and,

**WHEREAS,** the City of Kenyon regulates fences pursuant to its City Code, in Section _____; and,

**WHEREAS,** fences within the City are more appropriately regulated by the City Code rather than by Minnesota Statutes Chapter 344.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Kenyon, Minnesota, hereby exempts adjoining property owners and occupants from Minnesota Statutes Chapter 344 when their land considered together is less than 20 acres.

**ADOPTED** on this _____ day of _____, 2016.

_____
Michael G. Engel, Mayor

ATTEST:

_____
Mark R. Vahlsing, City Administrator

**RESOLUTION NO. 2016-19**

**CITY OF KENYON**
**COUNTY OF GOODHUE**
**STATE OF MINNESOTA**

**A RESOLUTION EXEMPTING ADJOINING PROPERTY OWNERS AND OCCUPANTS FROM MINNESOTA STATUTES CHAPTER 344 WHEN THEIR LAND CONSIDERED TOGETHER IS UNDER 20 ACRES**

**WHEREAS,** Minnesota Statutes Section 344.011 permits statutory and home-rule charter city councils to, by resolution, exempt adjoining property owners or occupants from Chapter 344 when their land considered together is less than 20 acres; and,

**WHEREAS,** the City of Kenyon regulates fences pursuant to its City Code, in Section 520.09; and,

**WHEREAS,** fences within the City are more appropriately regulated by the City Code rather than by Minnesota Statutes Chapter 344.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Kenyon, Minnesota, hereby exempts adjoining property owners and occupants from Minnesota Statutes Chapter 344 when their land considered together is less than 20 acres.

**ADOPTED** on this 10th day of August, 2016.

_____
Michael G. Engel, Mayor

ATTEST:

_____
Mark R. Vahlsing, City Administrator

Extract of Minutes of Meeting
of the City Council of the City of
Kenyon, Goodhue County, Minnesota

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Kenyon, Minnesota, was duly held in the City Hall in said City on Wednesday, August 10, 2016, commencing at 7:00 P.M.

The following members were present:

and the following were absent:

* * * * * * * * *

The Mayor announced that the next order of business was consideration of the proposal of Northland Securities, Inc. which had been received for the purchase of the City's General Obligation Loan Anticipation Notes, Series 2016B, in the aggregate principal amount of $_____.

After due consideration of the proposal, Member _____ introduced the following written resolution, the reading of which was dispensed with by unanimous consent, and moved its adoption:

**RESOLUTION NO. 2016-22**

**A RESOLUTION AWARDING THE SALE OF GENERAL OBLIGATION LOAN ANTICIPATION NOTES, SERIES 2016B, IN THE AGGREGATE PRINCIPAL AMOUNT OF $_____; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT**

BE IT RESOLVED By the City Council of the City of Kenyon, Goodhue County, Minnesota (the "City"), as follows:

Section 1. Background: Findings.

1.01 Capital Improvement Plan Bonds.

(a) The City is authorized by Minnesota Statutes, Chapter 475, as amended, (the "Act") specifically Section 475.521 (the "CIP Act"), to finance certain capital improvements under an approved capital improvement plan by the issuance of general obligation bonds of the City payable from ad valorem taxes. Capital improvements include acquisition or betterment of public lands, buildings or other improvements for the purpose of a city hall, public safety facility and public works facilities (excluding light rail transit or any activity related to it, or a park, library, road, bridge, administrative building other than a city hall, or land for any of those activities).

(b) On November 10, 2015, the City Council held a duly noticed public hearing regarding the adoption of the "2016 through 2020 Five-year Capital Improvement Plan for the City of Kenyon, Minnesota" (the "Plan") and the issuance of general obligation bonds in the maximum principal amount of $2,500,000 thereunder, all in accordance with the CIP Act. On the date thereof, the Plan was approved by the City Council. The Plan authorizes the issuance of general obligation bonds to pay the cost of acquiring land and constructing a new fire hall in the City (the "Project").

(c) The City Council has determined that, within 30 days after the public hearing, no petition for a referendum on the issuance of bonds pursuant to the Plan was received by the City in accordance with the CIP Act.

(d) It is necessary and expedient to the sound financial management of the affairs of the City to issue general obligations, in the approximate aggregate principal amount of $2,450,000 (the "CIP Notes"), pursuant to the CIP Act, to provide financing for a portion of the costs of the Project.

(e) As required by the CIP Act, the City has determined that when the permanent CIP Notes are issued: (i) the expected useful life of the Project to be financed with the CIP Notes will be at least five years; and (ii) the amount of principal and interest due in any year on all outstanding notes issued by the City under the CIP Act, including the CIP Notes, will not exceed 0.16 percent of the taxable market value of property in the City.

1.02 Loan Anticipation Bonds.

(a) Pursuant to Minnesota Statutes, Section 465.73, as amended (the "USDA Act"), the City may borrow up to $450,000 from an agency of the United States Department of Agriculture.

(b) The City has obtained a commitment for permanent financing from the United States Department of Agriculture's Rural Development Department in an amount not to exceed $2,900,000 (the "Loan") for the Project. The permanent financing will be provided to the City following the completion of the Project pursuant to the requirements listed in the Letter of Conditions provided to the City via letter from the United States Department of Agriculture's Rural Development Department dated April 5, 2016.

(c) It is determined that it is necessary and desirable for the sound financial management of the City that the City issue and sell its general obligations in the aggregate principal amount of $450,000 (the "USDA Act Notes"), pursuant to the USDA Act to finance a portion of the costs of the Project.

1.03 Issuance of General Obligation Loan Anticipation Notes.

(a) The City Council finds it necessary and expedient to the sound financial management of the affairs of the City to issue its General Obligation Loan Anticipation Notes, Series 2016B (the "Notes") to finance the Project pursuant to Minnesota Statutes, Chapter 475.

(b) The City is authorized by the provisions of Section 475.61, subdivision 5, to issue and sell its temporary obligations in anticipation of the receipt of the Loan from the United States Department of Agriculture's Rural Development Department to provide temporary financing for the costs of the Project. Proceeds of the Notes (as defined hereinafter) are expected to be expended on the costs of constructing and equipping the Project and the costs of issuance of the Notes.

(c) The City desires to proceed with the sale of the Notes by direct negotiation with Northland Securities, Inc. (the "Purchaser"). The Purchaser will purchase the Notes in an arm's-length commercial transaction with the City. The City hereby retains _____ to act as an independent financial advisor for the purpose of reviewing the pricing fairness associated with the purchase and subsequent reoffering of the Notes. The Mayor and Administrator of the City are hereby authorized to execute an agreement with _____ for an amount not to exceed $_____. It being thus determined that the City has retained an independent financial advisor in connection with such sale, the City is authorized by Minnesota Statutes, Section 475.60, subdivision 2(9) to negotiate the sale of the Notes.

Section 2. Sale of the Note.

2.01. Award to the Purchaser and Interest Rates. The proposal of the Purchaser to purchase the Notes of the City is hereby determined to be a reasonable offer and is hereby accepted, the proposal being to purchase the Notes at a price of $_____ (par amount of $_____, plus original issue premium of $_____, less underwriter's discount of $_____), plus accrued interest to date of delivery, if any, for Notes bearing interest as follows:

| Year | Interest Rate |
|---|---|
| 2017 | % |

True interest cost: _____%

2.02. Purchase Contract. The Mayor and City Administrator are directed to execute a contract with the Purchaser on behalf of the City.

2.03. Terms and Principal Amounts of the Notes. The City will forthwith issue and sell the Notes to the Purchaser in the total principal amount of $2,900,000. The Notes will be originally dated September 1, 2016, in denominations of $5,000 each or any integral multiple thereof, numbered No. R-1, upward, bearing interest as above set forth, and maturing on September 1 in the year and amount as follows:

| Year | Amount |
|---|---|
| 2017 | $2,900,000 |

(a) $_____ of the Notes, constituting the CIP Notes, maturing on September 1 of the year and in the amount set forth below, are being used to finance a portion of the Project pursuant to the CIP Act:

| Year | Amount |
|---|---|
| 2017 | $ |

(b) The remainder of the Notes in the principal amount of $_____, constituting the USDA Act Notes, maturing on September 1 of the year and in the amount set forth below, are being used to finance a portion of the Project pursuant to the USDA Act:

| Year | Amount |
|---|---|
| 2017 | $ |

2.04. Optional Redemption. The City may elect to prepay the Notes on any date. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Notes of a maturity are called for redemption, the City will notify DTC (as defined in Section 7 hereof) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

Section 3. Registration and Payment.

3.01. Registered Form. The Notes will be issued only in fully registered form. The interest thereon and, upon surrender of each Note, the principal amount thereof, is payable by check or draft issued by the Registrar described herein.

3.02. Dates; Interest Payment Dates. Each Note will be dated as of the last interest payment date preceding the date of authentication to which interest on the Note has been paid or made available

for payment, unless (i) the date of authentication is an interest payment date to which interest has been paid or made available for payment, in which case such Note will be dated as of the date of authentication, or (ii) the date of authentication is prior to the first interest payment date, in which case such Note will be dated as of the date of original issue. The interest on the Notes is payable on September 1, 2017, to the registered owners of record thereof as of the close of business on the fifteenth day of the immediately preceding month, whether or not that day is a business day.

3.03. Registration. The City will appoint, and will maintain, a bond registrar, transfer agent, authenticating agent and paying agent (the "Registrar"). The effect of registration and the rights and duties of the City and the Registrar with respect thereto are as follows:

(a) Register. The Registrar must keep at its principal corporate trust office a note register in which the Registrar provides for the registration of ownership of Notes and the registration of transfers and exchanges of Notes entitled to be registered, transferred or exchanged.

(b) Transfer of Notes. Upon surrender for transfer of a Note duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Notes of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until that interest payment date.

(c) Exchange of Notes. Whenever any Notes are surrendered by the registered owner for exchange the Registrar will authenticate and deliver one or more new Notes of a like aggregate principal amount and maturity as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. Notes surrendered upon transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When any Note is presented to the Registrar for transfer, the Registrar may refuse to transfer the Note until the Registrar is satisfied that the endorsement on the Note or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name a Note is registered in the note register as the absolute owner of the Note, whether the Note is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Note and for all other purposes and payments so made to the registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Note to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. The Registrar may impose a charge upon the owner thereof for a transfer or exchange of Notes, sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Notes. If a Note becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver a new Note of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Note or in lieu of and in substitution for any Note destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Note destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Note was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the City and the Registrar must be named as obligees. Notes so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be given to the City. If the mutilated, destroyed, stolen or lost Note has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Note prior to payment.

(i) Redemption. In the event any of the Notes are called for redemption, notice thereof identifying the Notes to be redeemed will be given by the Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) to the registered owner of each Note to be redeemed at the address shown on the registration books kept by the Registrar and by publishing the notice if required by law. Failure to give notice by publication or by mail to any registered owner, or any defect therein, will not affect the validity of the proceedings for the redemption of Notes. Notes so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for the redemption are on deposit with the place of payment at that time.

3.04. Appointment of Initial Registrar. The City appoints Northland Trust Services, Inc., Minneapolis, Minnesota, as the initial Registrar. The Mayor and the City Administrator are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, the resulting corporation is authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar upon 30 days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar must deliver all cash and Notes in its possession to the successor Registrar and must deliver the bond register to the successor Registrar. On or before each principal or interest due date, without further order of this Council, the City Administrator must transmit to the Registrar monies sufficient for the payment of all principal and interest then due.

3.05. Execution, Authentication and Delivery. The Notes will be prepared under the direction of the City Administrator and executed on behalf of the City by the signatures of the Mayor and the City Administrator. If an officer whose signature or a facsimile of whose signature appears on the Notes ceases to be such officer before the delivery of any Note, that signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. Notwithstanding such execution, a Note will not be valid or obligatory for any purpose or entitled to any security or benefit under this resolution unless and until a certificate of authentication on the Note has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Notes need not be signed by the same representative. The executed certificate of authentication on any Note is conclusive evidence that it has been authenticated and delivered under this resolution. When the Notes have been so prepared, executed and authenticated, the City Administrator will deliver the same to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser is not obligated to see to the application of the purchase price.

3.06. Temporary Notes. The City may elect to deliver in lieu of printed definitive Notes one or more typewritten temporary Notes in substantially the form set forth in EXHIBIT A attached hereto with such changes as may be necessary to reflect more than one maturity in a single temporary note. Upon the execution and delivery of definitive Notes the temporary Notes will be exchanged therefor and cancelled.

Section 4. Form of Note.

4.01. Execution of the Notes. The Notes will be printed or typewritten in substantially the form set forth in EXHIBIT A attached hereto.

4.02. Approving Legal Opinion. The City Administrator is authorized and directed to obtain a copy of the proposed approving legal opinion of Kennedy & Graven, Chartered, Minneapolis, Minnesota, which is to be complete except as to dating thereof and to cause the opinion to be printed on or accompany each Note.

Section 5. Payment; Security; Pledges and Covenants.

5.01. Debt Service Fund. The Notes are payable from the General Obligation Loan Anticipation Notes, Series 2016B Debt Service Fund (the "Debt Service Fund") hereby created. The City will maintain the following accounts in the Debt Service Fund: the "CIP Notes Account" and the "USDA Notes Account." Amounts in the CIP Notes Account are irrevocably pledged to the CIP Notes and amounts in the USDA Notes Account are irrevocably pledged to the USDA Notes Account.

(a) CIP Notes Account. Ad valorem taxes hereinafter levied for the payment of the CIP Notes are hereby pledged to the CIP Notes Account of the Debt Service Fund. There is appropriated to the CIP Notes Account a pro rata portion of (i) capitalized interest financed from Note proceeds, if any; and (ii) accrued interest.

(b) USDA Notes Account. Ad valorem taxes hereinafter levied for the payment of the USDA Notes are hereby pledged to the USDA Notes Account of the Debt Service Fund. There is appropriated to the USDA Notes Account a pro rata portion of (i) capitalized interest financed from Note proceeds, if any; and (ii) accrued interest.

5.02. Construction Fund. The City hereby creates the General Obligation Loan Anticipation Notes, Series 2016B Construction Fund (the "Construction Fund"). The City will maintain the following accounts in the Construction Fund: the "CIP Notes Account" and the "USDA Notes Account." Amounts in the CIP Notes Account are irrevocably pledged to the CIP Notes and amounts in the USDA Notes Account are irrevocably pledged to the USDA Notes.

(a) CIP Notes Account. Proceeds of the CIP Notes, less the appropriations made in Section 5.01(a), together with any other funds appropriated on pro rata basis for the portion of the Project payable from the CIP Notes, ad valorem taxes on a pro rata basis collected during the construction of the Project, will be deposited in the CIP Notes Account of the Construction Fund to be used solely to defray expenses of the portion of the Project funded with the proceeds of the CIP Notes. When the portion of the Project funded with the proceeds of the CIP Notes is completed and the cost thereof paid, the CIP Notes Account of the Construction Fund is to be closed and subsequent collections of ad valorem taxes for the CIP Notes are to be deposited in the CIP Notes Account of the Debt Service Fund.

(b) USDA Notes Account. Proceeds of the USDA Notes, less the appropriations made in Section 5.01(b), together with any other funds appropriated on a pro rata basis for the

portion of the Project payable from the USDA Notes, ad valorem taxes on a pro rata basis collected during the construction of the Project, will be deposited in the USDA Notes Account of the Construction Fund to be used solely to defray expenses of the portion of the Project funded with the proceeds of the USDA Notes. When the portion of the Project funded with the proceeds of the USDA Notes is completed and the cost thereof paid, the USDA Notes Account of the Construction Fund is to be closed and subsequent collections of ad valorem taxes for the USDA Notes are to be deposited in the USDA Notes Account of the Debt Service Fund.

5.03. City Covenants. The City Council covenants and agrees that in accordance with its statutory duties as provided under Minnesota Statutes, Section 475.61, subdivision 5 it will pay and retire the Notes and the interest thereon out of the proceeds of additional temporary bonds or long-term bonds which the City Council will issue and sell at or prior to the maturity of the Notes to the extent that the Notes cannot be paid out of moneys available in the Debt Service Fund or out of other municipal funds which are available and appropriated by the City Council to such purpose. The proceeds of such additional bonds or long-term definitive bonds, and any taxes hereafter levied for that purpose are pledged to the Debt Service Fund.

5.04. Pledge of Tax Levy. For the purpose of paying the principal of and interest on the Bonds, there is levied a direct annual irrepealable ad valorem tax (the "Taxes") upon all of the taxable property in the City, which will be spread upon the tax rolls and collected with and as part of other general taxes of the City. The Taxes will be credited to the CIP Notes Account and the USDA Notes Account of the Debt Service Fund above provided and will be in the years and amounts as attached hereto as EXHIBIT B.

5.05. General Obligation Pledge. For the prompt and full payment of the principal and interest on the Notes, as the same respectively become due, the full faith, credit and taxing powers of the City will be and are hereby irrevocably pledged. If the balance in the Debt Service Fund is ever insufficient to pay all principal and interest then due on the Notes and any other Notes payable therefrom, the deficiency will be promptly paid out of monies in the general fund of the City which are available for such purpose, and such general fund may be reimbursed with or without interest from the Debt Service Fund when a sufficient balance is available therein.

5.06. Certification to County Auditor as to Debt Service Fund Amount. It is hereby determined that the amount of the Loan and the foregoing Taxes will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Notes. The tax levy herein provided is irrepealable until all of the Notes are paid, provided that at the time the City makes its annual tax levies the City Administrator may certify to the County Auditor/Treasurer the amount available in the Debt Service Fund to pay principal and interest due during the ensuing year, and the County Auditor/Treasurer will thereupon reduce the levy collectible during such year by the amount so certified.

5.07. Certificate of County Auditor as to Registration. The City Administrator is authorized and directed to file a certified copy of this resolution with the County Auditor/Treasurer and to obtain the certificate required by Section 475.63 of the Act.

Section 6. Authentication of Transcript.

6.01. City Proceedings and Records. The officers of the City are authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the Notes, certified copies of proceedings and records of the City relating to the Notes and to the financial condition and affairs of the City, and such other certificates, affidavits and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to

the validity and marketability of the Notes, and such instruments, including any heretofore furnished, may be deemed representations of the City as to the facts stated therein.

6.02. Certification as to Official Statement. The Mayor and the City Administrator are hereby authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Notes and that to the best of their knowledge and belief the Official Statement is a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement.

6.03. Other Certificates. The Mayor and the City Administrator are hereby authorized and directed to furnish to the Purchaser at the closing such certificates as are required as a condition of sale. Unless litigation shall have been commenced and be pending questioning the Notes or the organization of the City or incumbency of its officers, at the closing the Mayor and the City Administrator shall also execute and deliver to the Purchaser a suitable certificate as to absence of material litigation, and the City Administrator shall also execute and deliver a certificate as to payment for and delivery of the Notes.

Section 7. Tax Covenant.

7.01. Tax-Exempt Notes. The City covenants and agrees with the holders from time to time of the Notes that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Notes to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Notes.

7.02. No Rebate Required.

(a) The City will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Notes under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amounts invested at a yield greater than the yield on the Notes, and the rebate of excess investment earnings to the United States, if the Notes (together with other obligations reasonably expected to be issued in calendar year 2016) exceed the small-issuer exception amount of $5,000,000.

(b) For purposes of qualifying for the small issuer exception to the federal arbitrage rebate requirements, the City finds, determines and declares that the aggregate face amount of all tax-exempt notes (other than private activity notes) issued by the City (and all subordinate entities of the City) during the calendar year in which the Notes are issued and outstanding at one time is not reasonably expected to exceed $5,000,000, all within the meaning of Section 148(f)(4)(D) of the Code.

7.03. Not Private Activity Bonds. The City further covenants not to use the proceeds of the Notes or to cause or permit them or any of them to be used, in such a manner as to cause the Notes to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

7.04. Qualified Tax-Exempt Obligations. In order to qualify the Notes as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, the City makes the following factual statements and representations:

(a) the Notes are not "private activity bonds" as defined in Section 141 of the Code;

(b) the City hereby designates the Notes as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code;

(c) the reasonably anticipated amount of tax-exempt obligations (other than any private activity bonds that are not qualified 501(c)(3) bonds) which will be issued by the City (and all subordinate entities of the City) during calendar year 2016 will not exceed $10,000,000; and

(d) not more than $10,000,000 of obligations issued by the City during calendar year 2016 have been designated for purposes of Section 265(b)(3) of the Code.

7.05. Procedural Requirements. The City will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

Section 8. Book-Entry System; Limited Obligation of City.

8.01. DTC. The Notes will be initially issued in the form of a separate single typewritten or printed fully registered Note for each of the maturities set forth in Section 2.02 hereof. Upon initial issuance, the ownership of each Note will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its successors and assigns ("DTC"). Except as provided in this section, all of the outstanding Notes will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC.

8.02. Participants. With respect to Notes registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC, the City, the Registrar and the Paying Agent will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Notes as securities depository (the "Participants") or to any other person on behalf of which a Participant holds an interest in the Notes, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Notes, (ii) the delivery to any Participant or any other person (other than a registered owner of Notes, as shown by the registration books kept by the Registrar) of any notice with respect to the Notes, including any notice of redemption, or (iii) the payment to any Participant or any other person, other than a registered owner of Notes, of any amount with respect to principal of, premium, if any, or interest on the Notes. The City, the Registrar and the Paying Agent may treat and consider the person in whose name each Note is registered in the registration books kept by the Registrar as the holder and absolute owner of such Note for the purpose of payment of principal, premium and interest with respect to such Note, for the purpose of registering transfers with respect to such Notes, and for all other purposes. The Paying Agent will pay all principal of, premium, if any, and interest on the Notes only to or on the order of the respective registered owners, as shown in the registration books kept by the Registrar, and all such payments will be valid and effectual to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, or interest on the Notes to the extent of the sum or sums so paid. No person other than a registered owner of Notes, as shown in the registration books kept by the Registrar, will receive a certificated Note evidencing the obligation of this resolution. Upon delivery by DTC to the City Administrator of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co." will refer to such new nominee of DTC; and upon receipt of such a notice, the City Administrator will promptly deliver a copy of the same to the Registrar and Paying Agent.

8.03. Representation Letter. The City has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the "Representation Letter") which shall govern payment of principal of, premium, if any, and interest on the Notes and notices with respect to the Notes. Any Paying Agent or Registrar subsequently appointed by the City with respect to the Notes will agree to take all action necessary for all representations of the City in the Representation Letter with respect to the Registrar and Paying Agent, respectively, to be complied with at all times.

8.04. Transfers Outside Book-Entry System. In the event the City, by resolution of the City Council, determines that it is in the best interests of the persons having beneficial interests in the Notes that they be able to obtain certificates, the City will notify DTC, whereupon DTC will notify the Participants, of the availability through DTC of certificates. In such event the City will issue, transfer and exchange certificates as requested by DTC and any other registered owners in accordance with the provisions of this resolution. DTC may determine to discontinue providing its services with respect to the Notes at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the City will issue and the Registrar will authenticate certificates in accordance with this resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.

8.05. Payments to Cede & Co. Notwithstanding any other provision of this resolution to the contrary, so long as a Note is registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of, premium, if any, and interest on the Note and notices with respect to the Note will be made and given, respectively in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.

Section 9. Continuing Disclosure.

9.01. Execution of Continuing Disclosure Certificate. "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the Mayor and City Administrator and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

9.02. City Compliance with Provisions of Continuing Disclosure Certificate. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this resolution, failure of the City to comply with the Continuing Disclosure Certificate is not to be considered an event of default with respect to the Notes; however, any holder of a Note may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 10. Defeasance. When all Notes and all interest thereon have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the holders of the Notes will cease, except that the pledge of the full faith and credit of the City for the prompt and full payment of the principal of and interest on the Notes will remain in full force and effect. The City may discharge all Notes which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full. If any Note should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

(The remainder of this page is intentionally left blank.)

The motion for the adoption of the foregoing resolution was duly seconded by Member _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

**EXHIBIT A**
**FORM OF NOTE**

No. R-_____ $_____

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF GOODHUE
CITY OF KENYON

GENERAL OBLIGATION LOAN ANTICIPATION NOTES
SERIES 2016B

| Rate | Maturity | Date of Original Issue | CUSIP |
|---|---|---|---|
| | September 1, 2017 | September 1, 2016 | |

Registered Owner: Cede & Co.

The City of Kenyon, Minnesota, a duly organized and existing municipal corporation in Goodhue County, Minnesota (the "City"), acknowledges itself to be indebted and for value received hereby promises to pay to the Registered Owner specified above or registered assigns, the principal sum of $_____ on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above, payable September 1, 2017, to the person in whose name this Note is registered at the close of business on the fifteenth day (whether or not a business day) of the immediately preceding month. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft by Northland Trust Services, Inc., Minneapolis, Minnesota, as Registrar, Paying Agent, Transfer Agent and Authenticating Agent, or its designated successor under the Resolution described herein. For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the City have been and are hereby irrevocably pledged.

The City may elect on any date to prepay the Notes. Notice of redemption shall be given by written notice to the registered owner of the Notes not less than 30 days prior to such redemption date. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Notes of a maturity are called for redemption, the City will notify Depository Trust Company ("DTC") of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

This Note is one of an issue in the aggregate principal amount of $_____ all of like original issue date and tenor, except as to number, maturity date, and interest rate, all issued pursuant to a resolution adopted by the City Council on August 10, 2016 (the "Resolution"), for the purpose of providing money to defray the expenses incurred and to be incurred in making certain capital improvements, pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Chapter 475, Minnesota Statutes, Sections 475.521 and 475.61, subdivision 5, and Minnesota Statutes, Section 465.73, all as amended, and the principal hereof and interest hereon are payable primarily from the proceeds of a loan made to the City by the United States Department of Agriculture's Rural Development Department and ad valorem taxes levied or to be levied,

as set forth in the Resolution to which reference is made for a full statement of rights and powers thereby conferred. The full faith and credit of the City are irrevocably pledged for payment of this Note and the City Council has obligated itself to issue and sell definitive or additional temporary bonds to redeem the Note and to levy additional ad valorem taxes on all taxable property in the City in the event of any deficiency, which additional taxes may be levied without limitation as to rate or amount. The Notes of this series are issued only as fully registered Notes in denominations of $5,000 or any integral multiple thereof of single maturities.

The City Council has designated the issue of Notes of which this Note forms a part as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code") relating to disallowance of interest expense for financial institutions and within the $10,000,000 limit allowed by the Code for the calendar year of issue.

As provided in the Resolution and subject to certain limitations set forth therein, this Note is transferable upon the books of the City at the principal office of the Registrar, by the registered owner hereof in person or by the owner's attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or the owner's attorney; and may also be surrendered in exchange for Notes of other authorized denominations. Upon such transfer or exchange the City will cause a new Note or Notes to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Registrar may deem and treat the person in whose name this Note is registered as the absolute owner hereof, whether this Note is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Registrar will be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Note in order to make it a valid and binding general obligation of the City in accordance with its terms, have been done, do exist, have happened and have been performed as so required, and that the issuance of this Note does not cause the indebtedness of the City to exceed any constitutional or statutory limitation of indebtedness.

This Note is not valid or obligatory for any purpose or entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon has been executed by the Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City of Kenyon, Goodhue County, Minnesota, by its City Council, has caused this Note to be executed on its behalf by the facsimile or manual signatures of the Mayor and City Administrator and has caused this Note to be dated as of the date set forth below.

Dated: September 1, 2016

**CITY OF KENYON, MINNESOTA**

| | |
|---|---|
| Mayor | City Administrator |

## CERTIFICATE OF AUTHENTICATION

This is one of the Notes delivered pursuant to the Resolution mentioned within.

**NORTHLAND TRUST SERVICES INC.**

By _____
Authorized Representative

## ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Note, will be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common

TEN ENT -- as tenants by entireties

JT TEN -- as joint tenants with right of survivorship and not as tenants in common

UNIF GIFT MIN ACT
_____ Custodian _____
(Cust) (Minor)
under Uniform Gifts or Transfers to Minors Act, State of _____

Additional abbreviations may also be used though not in the above list.

## ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Note and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Note on the books kept for registration of the within Note, with full power of substitution in the premises.

Dated: _____ _____

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Note in every particular, without alteration or any change whatever.

Signature Guaranteed:

_____

NOTICE: Signature(s) must be guaranteed by a financial institution that is a member of the Securities Transfer Agent Medallion Program ("STAMP"), the Stock Exchange Medallion Program ("SEMP"), the New York Stock Exchange, Inc. Medallion Signatures Program ("MSP") or other such "signature guarantee program" as may be determined by the Registrar in addition to, or in substitution for, STAMP, SEMP or MSP, all in accordance with the Securities Exchange Act of 1934, as amended.

The Registrar will not effect transfer of this Note unless the information concerning the assignee requested below is provided.

Name and Address: _____

_____

_____

(Include information for all joint owners if this Note is held by joint account.)

Please insert social security or other identifying number of assignee

_____

_____

**PROVISIONS AS TO REGISTRATION**

The ownership of the principal of and interest on the within Note has been registered on the books of the Registrar in the name of the person last noted below.

| Date of Registration | Registered Owner | Signature of Officer of Registrar |
|---|---|---|
| _____ | Cede & Co.<br>Federal ID #13-2555119 | _____ |

**EXHIBIT B**

**TAX LEVY SCHEDULE**

**CIP Notes**

| YEAR * | TAX LEVY |
|---|---|

**USDA Notes**

| YEAR * | TAX LEVY |
|---|---|

** Year tax levy collected.*

STATE OF MINNESOTA )
)
COUNTY OF GOODHUE ) SS.
)
CITY OF KENYON )

I, the undersigned, being the duly qualified and City Administrator of the City of Kenyon, Minnesota (the "City"), do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of the City Council of the City held on August 10, 2016, with the original minutes on file in my office and the extract is a full, true and correct copy of the minutes insofar as they relate to the issuance and sale of the City's General Obligation Loan Anticipation Notes, Series 2016B.

WITNESS My hand officially as such City Administrator and the corporate seal of the City this _____ day of _____, 2016.

_____
City Administrator
City of Kenyon, Minnesota

(SEAL)

STATE OF MINNESOTA

COUNTY OF GOODHUE

CERTIFICATE OF COUNTY AUDITOR/TREASURER AS TO TAX LEVY AND REGISTRATION

I, the undersigned County Auditor/Treasurer of Goodhue County, Minnesota, hereby certify that a certified copy of a resolution adopted by the governing body of the City of Kenyon, Minnesota (the "City"), on August 10, 2016, levying taxes for the payment of the City's General Obligation Loan Anticipation Notes, Series 2016B, in the original aggregate principal amount of $_____, dated as of September 1, 2016, has been filed in my office and said Notes have been entered on the register of obligations in my office and that such tax has been levied as required by law.

WITNESS My hand and official seal this _____ day of _____, 2016.

**COUNTY AUDITOR/TREASURER,**
**GOODHUE COUNTY, MINNESOTA**

By: _____

Its: _____

(SEAL)

July 30, 2016

Mayor Engel and Kenyon City Council members:

I am writing to the city council on behalf of my husband, Gary, as well as Ryan and Connie Ugland. Together, we are kindly requesting the City Council investigate a severe drainage issue originating from Bergen Circle.

When the new road was constructed in 1999, Joe Palin (City Engineer), explained that the water run off would flow from Bergen Circle and Bergen Road to the storm sewer on Trondheim Road, thus a storm sewer in Bergen Circle/Bergen Road was unnecessary. Unfortunately, this has been far from the case and we've experienced several water related issues over the years. In spite of our best efforts to resolve this issue independently by building a berm in our backyard, the frustrating condition persists.

We have continually attempted to address this problem with previous city council members and Mayor Thunhorst without resolution. We respectfully request this issue be resolved, as we continue to battle against above average rainfalls.

We would be happy to meet with you to discuss this issue in more detail. Both the city, and I, have pictures of the problem area that will provide additional insight. Thank you for your attention to this matter.

Sincerely,

Judy Pavek

Ryan and Connie Ugland

Gary and Judy Pavek

# ArcGIS WebMap

August 5, 2016

1:960

0 0.0075 0.015 0.03 mi

0 0.0125 0.025 0.05 km

House Number

PIN

**Roads 9.600**

Township or Other Roads

**Major Roads 1,200**

US Highway

State Highway

**County Roads 1,200**

County Roads - Gravel

County Roads - Paved

**Roads 1,200**

Township or Other Roads

**Roads 1,200**

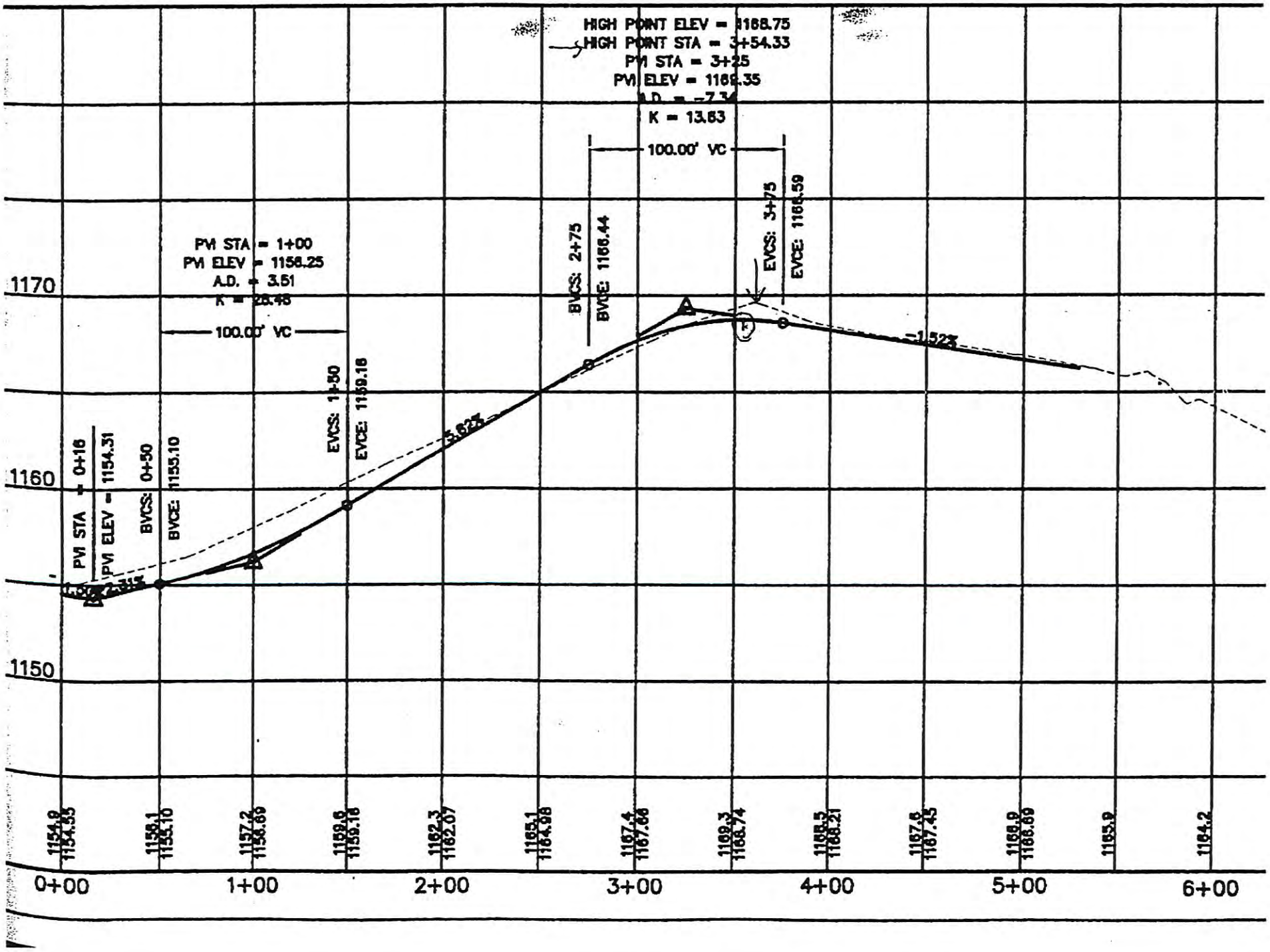
Township or Other Roads

ESRI Major Roads

Parcels

ArcGIS WebApp Builder

# BERGEN ROAD


HIGH POINT ELEV = 1168.75
HIGH POINT STA = 3+54.33
PVI STA = 3+25
PVI ELEV = 1168.35
A.D. = -7.34
K = 13.63
100.00' VC
BVCS: 2+75
BVCE: 1166.44
EVCS: 3+75
EVCE: 1166.59
PVI STA = 1+00
PVI ELEV = 1156.25
A.D. = 3.51
K = 28.48
100.00' VC
EVCS: 1+50
EVCE: 1159.18
BVCS: 0+50
BVCE: 1155.10
PVI STA = 0+16
PVI ELEV = 1154.31
5.62%
-1.52%
1170
1160
1150
1154.9
1154.55
1158.1
1155.10
1157.2
1158.66
1159.6
1159.18
1162.3
1162.07
1165.1
1164.98
1167.4
1167.66
1169.3
1168.74
1168.5
1168.21
1167.6
1167.45
1166.9
1166.89
1165.9
1164.2
0+00
1+00
2+00
3+00
4+00
5+00
6+00

***Goodhue County Finance & Taxpayer Services***
509 W 5th St.
Red Wing, MN 55066

Phone (651) 385-3040
Fax (651) 267-4878
Office Hours: 8:00 am – 4:30 pm M-F
www.co.goodhue.mn.us

July 1, 2016

TO: City of Kenyon

FROM: Goodhue County Finance & Taxpayer Services Office

RE: Forfeited Property

Below is a listing of non-conservation land located in your city. The parcel(s) described in the listing forfeited to the State of Minnesota for non-payment of property taxes.

As required under M.S. 282.01, we request that you approve the parcel(s) for public auction or auction to adjacent owners or request a conveyance to your city for public use.

We require a certified copy of the city council resolution authorizing any action taken. If you request that a parcel be conveyed to your city, you must also complete a State Deed Application Form, Application by a Governmental Subdivision for Conveyance of Tax Forfeited Land and mail it to this office.

Special assessments that were levied before the forfeiture do not need to be certified to this office. They were canceled at forfeiture and will be paid from the sale price. Special assessments that are levied after the forfeiture should not be certified to this office.

Please be advised that, if the city council fails to respond within sixty (60) days of the date of this letter, the classification and sale will be deemed to be approved.

If you have any questions, please feel free to contact Micki O'Keefe at the number listed above.

2016 FORFEITED LAND LIST

Parcel #66.160.0216

**GOODHUE COUNTY BOARD OF COMMISSIONERS**

| RONALD ALLEN | BRAD ANDERSON | DAN RECHTZIGEL | JASON MAJERUS | TED SEIFERT |
|---|---|---|---|---|
| 1st District | 2nd District | 3rd District | 4th District | 5th District |
| 1713 Siewert Street | 10679 375TH St. Way | 1140 2nd Street | 39111 County 2 Blvd. | 533 9th Street |
| Red Wing, MN 55066 | Cannon Falls, MN 55009 | Kenyon, MN 55946 | Goodhue, MN 55027 | Red Wing, MN 55066 |

*An Equal Opportunity Employer*

# ArcGIS WebMap

January 13, 2016

1:840

0 0.005 0.01 0.02 mi

0 0.01 0.02 0.04 km

Goodhue County

**Search Results: Search by PIN**

Override 1

Municipal Boundary

**Roads 9.600**

Township or Other Roads

Full Address

PIN

Name

GoodhueCo_PLSS

**Major Roads 1,200**

US Highway

State Highway

**County Roads 1,200**

County Roads - Gravel

County Roads - Paved

ArcGIS WebApp Builder

## BlinkerBeacon™ Solar Flashing LED Beacons

Recent LED improvement, new regulations for 12" lenses, and solar power have made this timeless device even more effective and more versatile. TAPCO's BlinkerBeacon™ LED beacon incorporates these new features at a low cost-effective price. Available in single head or dual mount heads with various lens colors. Black or yellow polycarbonate housing is standard, and alternate materials (such as aluminum) are available. Energy efficient 13 watt solar panel (26-55 watt for dual head BlinkerBeacon™ models). BlinkerBeacon™ LED Beacons mount to 4½" OD poles (see page 38 for pole packages). Various activation methods are available, ranging from 24/7 flashing to time clock activation and cellular notification.

- Solar, independent of grid power outages
- Virtually maintenance free
- Easy maintenance
- Patented AutoBright™ circuitry automatically adjusts brightness levels, maintaining optimal LED output and extending battery life

2180-BBSRB
(pole not included)

## BlinkerBeacon™ Solar Flashing LED Beacon

**Includes:** BlinkerBeacon™ with 12" LED, polycarbonate housing, 13W solar panel and standard 24/7 flashing. 4½" OD poles sold separately (see page 38), 2" x 2" square posts sold separately (see page 362).

| | Fits 4½" OD pole | Fits 2"x2" square post | |
|---|---|---|---|
| BlinkerBeacon™, 12" amber LED, black polycarbonate housing, 13W solar panel, 24/7 flashing | 2180-BBSAB | 2180-BBSABS2 & 111309 | $1795.00 |
| BlinkerBeacon™, 12" amber LED, yellow polycarbonate housing, 13W solar panel, 24/7 flashing | 2180-BBSAY | 2180-BBSAYS2 & 114080 | |
| BlinkerBeacon™, 12" red LED, black polycarbonate housing, 13W solar panel, 24/7 flashing | 2180-BBSRB | 2180-BBSRBS2 & 111309 | |
| BlinkerBeacon™, 12" red LED, yellow polycarbonate housing, 13W solar panel, 24/7 flashing | 2180-BBSRY | 2180-BBSRYS2& 114080 | |

## Dual BlinkerBeacon™ Solar Flashing LED Beacons, Vertical alignment

**Includes:** BlinkerBeacon™ with two 12" LEDs in vertical alignment, polycarbonate housing, 26W or 55W solar panel, standard 24/7 flashing. 4½" OD poles sold separately (see page 38).

| | | |
|---|---|---|
| BlinkerBeacon™, (2X) 12" amber LED, Vertical, black polycarbonate housing, 26W solar panel, 24/7 | 2180-BBDAB-26 | $2495.00 |
| BlinkerBeacon™, (2X) 12" amber LED, Vertical, yellow polycarbonate housing, 26W solar panel, 24/7 | 2180-BBDAY-26 | |
| BlinkerBeacon™, (2X) 12" red LED, Vertical, black polycarbonate housing, 26W solar panel, 24/7 | 2180-BBDRB-26 | |
| BlinkerBeacon™, (2X) 12" red LED, Vertical, yellow polycarbonate housing, 26W solar panel, 24/7 | 2180-BBDRY-26 | |
| BlinkerBeacon™, (2X) 12" amber LED, Vertical, black polycarbonate housing, 55W solar panel, 24/7 | 2180-BBDAB-55 | $2795.00 |
| BlinkerBeacon™, (2X) 12" amber LED, Vertical, yellow polycarbonate housing, 55W solar panel, 24/7 | 2180-BBDAY-55 | |
| BlinkerBeacon™, (2X) 12" red LED, Vertical, black polycarbonate housing, 55W solar panel, 24/7 | 2180-BBDRB-55 | |
| BlinkerBeacon™, (2X) 12" red LED, Vertical, yellow polycarbonate housing, 55W solar panel, 24/7 | 2180-BBDRY-55 | |

## Dual BlinkerBeacon™ Solar Flashing LED Beacons, Horizontal Alignment

**Includes:** BlinkerBeacon™ with two 12" LEDs in vertical alignment, polycarbonate housing, 26W or 55W solar panel, standard 24/7 flashing. 4½" OD poles sold separately (see page 38).

| | | |
|---|---|---|
| BlinkerBeacon™, (2X) 12" amber LED, Horizontal, black polycarbonate housing, 26W solar panel, 24/7 | 2180-BBDAB-26-H | $2495.00 |
| BlinkerBeacon™, (2X) 12" amber LED, Horizontal, yellow polycarbonate housing, 26W solar panel, 24/7 | 2180-BBDAY-26-H | |
| BlinkerBeacon™, (2X) 12" red LED, Horizontal, black polycarbonate housing, 26W solar panel, 24/7 | 2180-BBDRB-26-H | |
| BlinkerBeacon™, (2X) 12" red LED, Horizontal, yellow polycarbonate housing, 26W solar panel, 24/7 | 2180-BBDRY-26-H | |
| BlinkerBeacon™, (2X) 12" amber LED, Horizontal, black polycarbonate housing, 55W solar panel, 24/7 | 2180-BBDAB-55-H | $2795.00 |
| BlinkerBeacon™, (2X) 12" amber LED, Horizontal, yellow polycarbonate housing, 55W solar panel, 24/7 | 2180-BBDAY-55-H | |
| BlinkerBeacon™, (2X) 12" red LED, Horizontal, black polycarbonate housing, 55W solar panel, 24/7 | 2180-BBDRB-55-H | |
| BlinkerBeacon™, (2X) 12" red LED, Horizontal, yellow polycarbonate housing, 55W solar panel, 24/7 | 2180-BBDRY-55-H | |

2180-BBDAB-55
(pole/post and sign not included)

## SafePace® 100 Radar Speed Sign

The Traffic Logix SafePace 100 is the radar sign that fits your budget. This compact radar speed sign offers exceptional visibility and power efficiency in a lightweight, portable solution.

| | | |
|---|---|---|
| SafePace® 100 Radar "YOUR SPEED" White Sign, AC Power | 1485-00065 | $2495.00 |
| SafePace® 100 Radar "YOUR SPEED" White Sign, 4 Cell Battery Power | 1485-00067 | $2795.00 |
| SafePace® 100 Radar "YOUR SPEED" White Sign, Solar Power, 20W Panel | 1485-00071 | $2999.00 |
| SafePace® 100 Sign Dolly | 126036 | $795.00 |
| Universal Mounting Bracket, locking plate, key and pole-mount plate | 1485-00075 | $175.00 |
| Pole-mount Plate | 1485-00073 | $60.00 |
| Safe Pace Data Reporting Software | 109881 | $495.00 |

## SafePace® 450 Radar Speed Sign

The SafePace 450 speed display sign offers a portable speed solution that doesn't compromise on digit size or visibility. The innovative sign displays vehicle speed in full 15" LED digits at a weight of only around 20 lbs and can be seen from up to 1000 feet away.

| | | |
|---|---|---|
| SafePace® 450 Radar "YOUR SPEED" White Sign, AC Power | 126027 | $3595.00 |
| SafePace® 450 Radar "YOUR SPEED" White Sign, 4 Cell Battery Power | 122460 | $3995.00 |
| SafePace® 450 Radar "YOUR SPEED" White Sign, Solar Power, 50W Panel | 126026 | $4295.00 |
| Universal Mounting Bracket, locking plate, key and pole-mount plate | 1485-00075 | $175.00 |
| Pole-mount Plate | 1485-00073 | $60.00 |
| Safe Pace Data Reporting Software | 109881 | $495.00 |

## SafePace® 650 Variable Message Sign

The SafePace 650 sign offers the versatility of a variable message sign in a small, lightweight solution. Display driver speeds in full 15" LEDs or choose a driver responsive message or graphic of your choice. A compact sign with full size impact.

| | | |
|---|---|---|
| SafePace® 650 Radar Variable Message "YOUR SPEED" Sign, AC Power | 126028 | $4850.00 |
| SafePace® 650 Radar Variable Message "YOUR SPEED" Sign, 4 Cell Battery Power | 126029 | $5125.00 |
| SafePace® 650 Radar Variable Message "YOUR SPEED" Sign, Solar Power, 90W | 126030 | $5395.00 |
| Universal Mounting Bracket, locking plate, key and pole-mount plate | 1485-00075 | $175.00 |
| Safe Pace Data Reporting Software | 109881 | $495.00 |

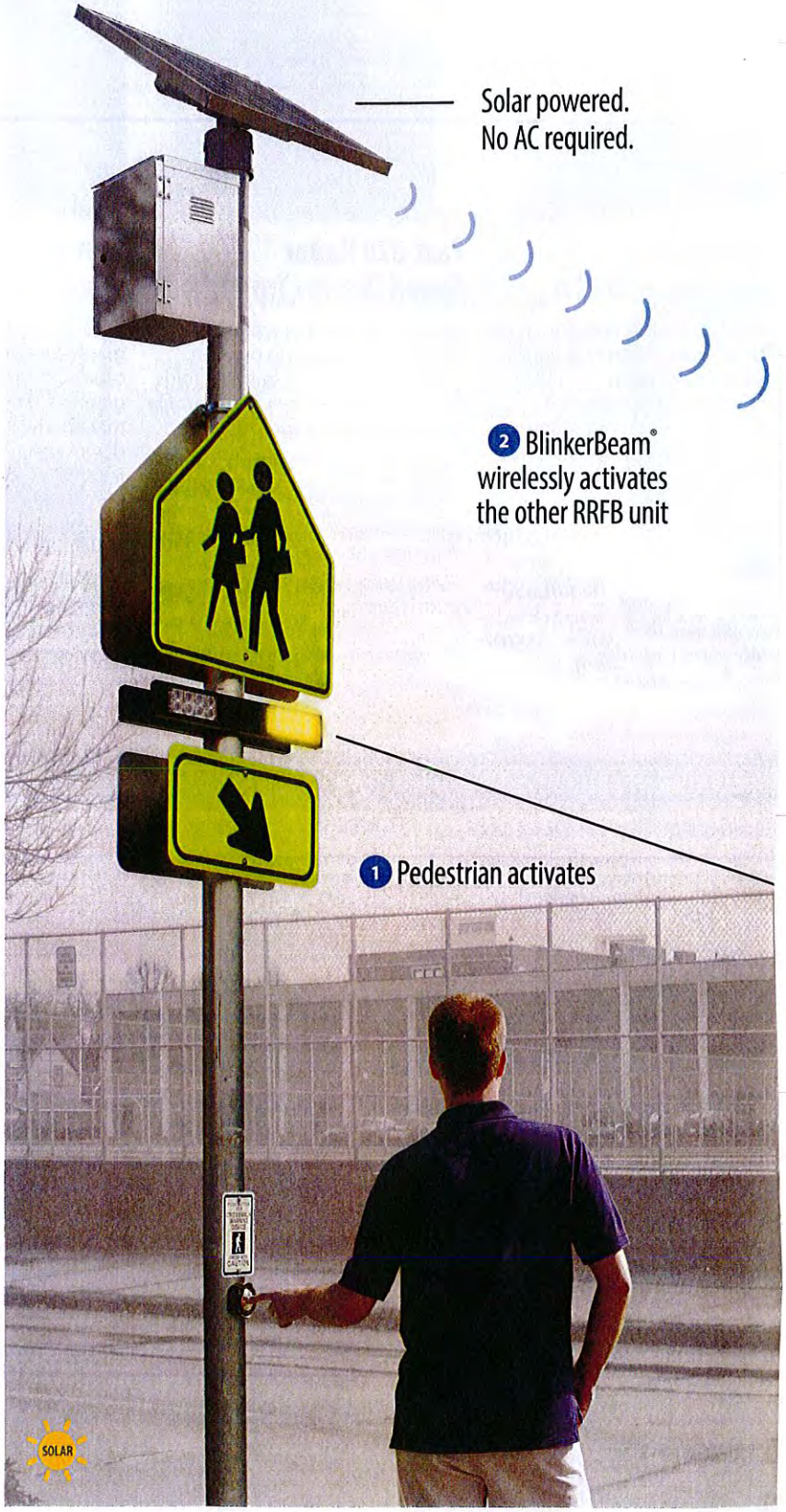
| | SafePace® 100 | SafePace® 450 | SafePace® 650 |
|---|---|---|---|
| TAPCO part numbers | 1485-00065 SafePace 100 with 100~240 VAC AC power input<br>1485-00067 SafePace 100 with 4 Cell, 12.8V, 15Ah Lithium-Ion Phosphate battery power<br>1485-00071 SafePace 100 with 20W solar panel power | 126027 SafePace 450 with 100~240 VAC AC power input<br>122460 SafePace 450 with 4 Cell, 12.8V, 15Ah Lithium-Ion Phosphate battery power<br>126026 SafePace 450 with 20W solar panel power | 126028 SafePace 650 with 100~240 VAC AC power input<br>126029 SafePace 650 with 4 Cell, 12.8V, 15Ah Lithium-Ion Phosphate battery power<br>126030 SafePace 650 with 90W solar panel power |
| Enclosure | • 12 gauge aluminum<br>• Flat black powder coated front, light gray powder coated body<br>• Weatherproof, NEMA 4X-12, IP65 level compliant, Non-sealed and ventilated<br>• .25" Aluminum protective cover<br>• White HIP reflective sheeting on sign face, black text, MUTCD conforming<br>• Operating Temperatures: -40°F/-40°C to 185°F/85°C<br>• Conformal coating on all circuit boards<br>• Standard banding brackets or optional Universal Mounting Bracket System (Bracket, locking plate, key and pole-mount plate) for mounting | • 12 gauge aluminum<br>• Flat black powder coated front, light gray powder coated body<br>• Weatherproof, NEMA 4X-12, IP65 level compliant, Non-sealed and ventilated<br>• .1875" Aluminum protective cover<br>• White HIP reflective sheeting on sign face, black text, MUTCD conforming<br>• Operating Temperatures: -40°F/-40°C to 185°F/85°C<br>• Conformal coating on all circuit boards<br>• Standard banding brackets or optional Universal Mounting Bracket System (Bracket, locking plate, key and pole-mount plate) for mounting | 12/14 gauge aluminum<br>Flat black powder coated front, light gray powder coated body<br>Weatherproof, NEMA 4X-12, IP65 level compliant, Non-sealed and ventilated<br>.1875" Aluminum protective cover<br>White HIP reflective sheeting on sign face, black text, MUTCD conforming<br>Operating Temperatures: -40°F/-40°C to 185°F/85°C<br>Conformal coating on all circuit boards<br>Standard banding brackets or optional Universal Mounting Bracket System (Bracket, locking plate, key and pole-mount plate) for mounting |
| Dimensions & Weight | 29"H x 23"W x 3½"D, 21 lbs. | 28"H x 28"W x 3½"D, 33 lbs. | 42½"H x 31"W x 3½"D, 33 lbs. |
| Display | • Digit Size: 11"H x 5.6"W<br>• 196 Amber 5 mm LEDs, 15°, luminous Intensity (4180 - 8200/LED)<br>• Speed Violator Strobe: 12 White 5 mm LEDs, 15°, luminous intensity (5680 - 8200/LED)<br>• Display Brightness: 11,000 nits (cdm) maximum, 550 nits (cdm) at night<br>• Ambient light sensor and automatic brightness adjustment | • Digit Size: 15"H x 8"W<br>• 224 Amber 5 mm LEDs, 23°, luminous Intensity (5680 – 8200 mcd/LED)<br>• Speed Violator Strobe: 21 White 5 mm LEDs, 15°, luminous intensity (28,150 mcd/LED)<br>• Ambient light sensor and automatic brightness adjustment | Digit Size: 15"H x 10"W<br>Variable Message Matrix: 12½"H x 24"W<br>1 graphic or 2 lines of 6"H text (up to 7 characters per line)<br>Digits: 796 Amber, 23°, 5 mm, luminous Intensity (5680 – 8200 mcd/LED)<br>Speed Violator Strobes: 42 White 5 mm LEDs, 15°, luminous intensity (28,150 mcd/LED)<br>Ambient light sensor and automatic brightness adjustment |
| Power | • Power input: AC 100~240 VAC, 12 VDC<br>• Built in ambient light sensing and automatic brightness control | • Power input: AC 100~240 VAC, 12 VDC<br>• Built in ambient light sensing and automatic brightness control | Power input: AC 100~240 VAC, 12 VDC<br>Built in ambient light sensing and automatic brightness control |
| Radar | • Doppler Internal Radar (FCC approved)<br>• 5 mW maximum Radar RF out, 24.125 GHz or 24.200 GHz Radar f-center<br>• Up to 800 ft. pickup distance | • Doppler Internal Radar (FCC approved)<br>• 5 mW maximum Radar RF out, 24.125 GHz center +/-25 MHz Radar f-center<br>• Up to 1200 ft. pickup distance | Doppler Internal Radar (FCC approved)<br>5 mW maximum Radar RF out, 24.125 GHz center +/-25 MHz Radar f-center<br>Up to 1200 ft. pickup distance |
| Functions, Programming and Diagnostics | • BlueTooth 4.0 Communication (standard)<br>• SafePace® Pro Management Software application<br>• Miles Per Hour or Kilometers Per Hour selectable<br>• Add 24/7 365 day unlimited programming and scheduling<br>• Display On/Stealth Modes (In Stealth Mode, speed is not displayed but data is collected)<br>• Display Minimum Speed, Display Maximum Speed<br>• Digit Flashing Speed Threshold (digits flash above selected speed)<br>• Speed Violator Strobe (pulsing strobe flashes with digits or alone above Display Maximum Speed) | • BlueTooth 4.0 Communication (standard)<br>• SafePace® Pro Management Software application<br>• Miles Per Hour or Kilometers Per Hour selectable<br>• 24/7 365 day unlimited programming and scheduling<br>• Display On/Stealth Modes (In Stealth Mode, speed is not displayed but data is collected)<br>• Display Minimum Speed, Display Maximum Speed<br>• Digit Flashing Speed Threshold (digits flash above selected speed)<br>• Speed Violator Strobe (pulsing strobe flashes with digits or alone above Display Maximum Speed) | BlueTooth 4.0 Communication (standard)<br>SafePace® Pro Management Software application<br>Miles Per Hour or Kilometers Per Hour selectable<br>24/7 365 day unlimited programming and scheduling<br>Display On/Stealth Modes (In Stealth Mode, speed is not displayed but data is collected)<br>Display Minimum Speed, Display Maximum Speed<br>Digit Flashing Speed Threshold (digits flash above selected speed)<br>Message Flashing Speed Threshold (message flash above selected speed)<br>4 standard messages: "SPEED LIMIT", "YOUR SPEED", "SLOW DOWN", "TOO FAST"<br>4 Custom Message slots, 1 custom Animation (uses up to four Custom Message slots)<br>2 Speed Violator Strobes (pulsing strobes flash with digits or alone above Display Maximum Speed) |

## Rectangular Rapid Flash Beacon (RRFB-XL2) LED Crosswalk Warning System

RRFBs are user-actuated amber LEDs that supplement warning signs at intersections without signals or mid-block crosswalks. Two arrays of alternately flashing LEDs use an irregular flash pattern (similar to emergency flashers on police vehicles), commanding the attention of drivers day and night. The RRFB has been show to provide an 80% reduction to Yield-to-Pedestrian traffic, exceeding that of standard beacons. As a low cost alternative to traffic signals, it's no wonder why RRFB systems are taking the country by storm! The RRFB units install easily onto new or existing signal poles, and TAPCO can provide completed system with poles and hardware. The FHWA requires that RRFB systems are solely for use in pedestrian or school crossings, and must be pedestrian activated (actively or passively).

**FREE QUOTE**
1-800-236-0112
http://gotap.co/0bbc

- Time clock option in School Zones
- TAPCO RRFB LEDs are the brightest and most durable on the market
- Wireless synchronized control
- Longest Range of communication
- 3-Year Warranty, dedicated support
- Lowest power consumption
- J595 Compliant
- Solar, 110VAC
- Efficient energy management system
- Active or passive wireless activation– pushbutton, bollard or infrared
- Individually maintained components
- Signs & anti-vandal hardware
- RRFB LEDs can flash on front and sides, alerting drivers and pedestrians simultaneously compatible with Intelligent Transportation Systems (ITS)
- MUTCD interim approval (1A-11)



# TAPCO RRFB Advantages

- ✔ TAPCO RRFB LED arrays are SAE J595 Class 1 certified and FHWA compliant.
- ✔ TAPCO RRFB-XL2™'s extra-large LED arrays exceed FHWA requirements (ideal for daylight visibility and multi-lane roads).
- ✔ State-of-the-art lens performs to the highest standards with the best viewing angle and brightest LEDs on the market.
- ✔ TAPCO's modular RRFB assemblies are designed to allow for component-level replacements, saving you time and money.
- ✔ Compatible with pedestrian activation devices, including wireless push-button and infrared bollards.
- ✔ TAPCO's optional BlinkLink™ application allows you to monitor RRFBs and other ITS systems, with any device linked to the internet.
- ✔ TAPCO manufactures signage of the highest quality, and we carry all of the hardware to complement RRFB assemblies.
- ✔ Solar power eliminates electrical installation labor and maintenance costs.

* "An Analysis of the Efficacy of Rectangular-shaped Rapid-Flash LED Beacons to Increase Yielding to Pedestrians Using Crosswalks on Multilane Roadways in the City of St. Petersburg, FL", Center for Education and Research in Safety