

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 14th day of January 2020. The following members were present: Mayor Doug Henke, Council Members, Dan Rechtzigel, Tom Gard, Richard Nielsen, and John Mortensen. Also, present: Attorney Scott Riggs, Administrator Mark Vahlsing, Administrative Assistant Holli Gudknecht, Police Chief Lee Sjolander, Engineer Joe Rhein, Engineer Derek Olinger, Public Works Director Wayne Ehrich, Library Director Michelle Otte, Nate Craig, Barney Nesseseth, Alex Rivero

CITIZEN COMMENT

None

ADOPT AGENDA

Addition: / X / Old Business / C / Kenyon Bar and Grill Charitable Gambling

Motion by Rechtzigel second by Gard to approve the amended agenda. Motion carried 5-0-0.

CONSENT AGENDA

Motion by Mortensen seconded by Nielsen to approve the Consent Agenda, which includes payment of check numbers, 70479 through 70595; 3401E through 3419E; and additional checks 70597 through 70602. Motion carried 5-0-0.

PRESENTATIONS/PUBLIC HEARINGS

ENGINEERING

Red Wing Avenue Update

Engineer Rhein stated that the final design proposal is approximately 75% complete. A public meeting is scheduled for Thursday, January 23 to give residents an opportunity to learn how the project will affect each property. The final design plan will be ready for Council approval in February, go out for bids in March, and begin construction in late May.

2nd Street Sanitary Sewer Improvements

Engineer Rhein stated that the 2nd Street Sanitary Sewer project is now complete. There is a 2-year warranty on the work through January of 2022.

Approve Liquidated Damages Agreement

Engineer Rhein reported that Bolton and Menk had been negotiating the amount of liquidated damages with RAW Construction. A consensus was reached on the amount of \$19,618.50. This amount will be considered approved by the Council if the final pay request #5 is approved.

Pay Request #5

Engineer Rhein stated that RAW is requesting payment of \$17,936.35 for pay request #5 to close out the contract.

Motion by Henke second by Rechtzigel to approve pay request #5 to RAW Construction for \$17,936.35 contingent on the contractor supplying the required paperwork to the City. Motion carried 5-0-0.

EDA/Business Park Development

Engineer Rhein reported that the platting documents for the proposed business park are complete and are ready to be reviewed by the planning commission on January 21. If approved by the Planning Commission, the final plat will be sent to the City Council's February meeting for final approval.

Approve Proposal for Final Design Services

Engineer Rhein requested approval to move forward with the preparation of the final construction plans and specifications for bidding.

Motion by Rechtzigel second by Mortensen to approve the proposal for final design services contingent on the Planning Commission approval on January 21. Motion carried 5-0-0.

Wastewater NPDES/SNS Permit Update

Rhein reported that the mercury minimization plan has now been submitted. After MPCA reviews the information provided, a draft permit will be issued for review by the City. The current permit will remain in affect until the end of February 2020.

LEGAL

2020 Appointments and Designations

- Planning Commission – 2 Year Term – Jerry Barrett, Dan Rogness, Dennis Wickum
- Public Utility Commission – 3 Year Term – Jerry Houglum
- Library Board – 3 Year Term – Kevin Anderson, Heidi Haugen
- Historic Preservation Commission (HPC) – 3 Year Term – Dan Rechtzigel, Lois Estrem
- Park and Recreation Committee – 3 Year Term – Sara Soliz, Jennifer Hanson, Karri Haasnoot, Mary Bailey, Elizabeth Engel
 - a. Acting Mayor – Richard Nielsen
- 2. Legal Newspaper – Kenyon Leader
 - a. Depository – Security State Bank
 - b. City Attorney – Scott Riggs, Kennedy & Graven Chartered
 - c. Prosecuting Attorney – David Jacobsen, Hero, Jorstad, Jacobsen Law Firm
 - d. City Engineer – Joe Rhein, Bolton & Menk
 - e. City Auditor – CliftonLarsonAllen LLP
 - f. Financial Consultant – Per Project Basis
 - g. Investments – As Allowed Per Minnesota Statutes
 - h. Deputy Clerk – Holli Gudknecht
 - i. Weed Inspector – Doug Henke
 - j. Audit Committee – Rick Nielsen, Sue Dodds, Mark Vahlsing
 - k. Personnel Committee – Richard Nielsen, Doug Henke and Mark Vahlsing
 - l. Liquor Committee – Rick Nielsen, Russell Thurmes, Mark Vahlsing
 - m. Kenyon Fire Relief Association – Doug Henke and Mark Vahlsing

Motion by Rechtzigel seconded by Mortensen to approve committee appointments and designations. Motion carried 5-0-0.

Resolution 2020-01: Establishing License Fees and Compensation

Administrator Vahlsing pointed out that there was an increase in fees for sanitary and storm sewer on attachment A. There were no other increases for 2020.

Motion by Mortensen second by Nielsen to approve Resolution 2020-01. Motion Carried 5-0-0.

Annual Dance Permit for VFW Post

Renewal of annual dance permit.

Annual Refuse Licenses

Waste Management, Flom Disposal Inc. (Commercial, Temporary roll off, dumpster); Countryside Disposal (Commercial, Temporary roll off, dumpster); Skjeveland Enterprises (Commercial, Temporary roll off, dumpster); Archambault Brothers (Temporary roll off, dumpster); Echo Valley Roll Off Service (Temporary roll off, dumpster); Simanski Metals LLC (Temporary roll off, dumpster); Veit Container Corp (Temporary roll off, dumpster)

Annual Recycling Licenses

Flom Disposal Inc., Goodhue County Public Works, Waste Management (Commercial Recycling).

Annual Sidewalk Obstruction Licenses

Kenyon Ace Hardware, Kenyon VFW Post 141, Kenyon Leader, Mary's Rustic Rose, Che Che's Lunchera, Twice Found, D&S Banner, Taco Express

Annual Mobile Merchant License

Che Che's Lunchera, Taco Express

Motion by Rehtzigel second by Nielsen to approve the annual dance, refuse, recycling, sidewalk and mobile merchant licenses.

Motion carried 5-0-0.

Kennedy & Graven 2020 Rates for Legal Services

Administrator Vahlsing stated that the proposed rates for legal services have increased approximately two percent for 2020. This increase would raise the hourly base rate from \$168 to \$171.50 an hour. The other associated rates would also increase \$4.00 to \$5.00 per hour.

Motion by Henke seconded by Rehtzigel to approve 2020 rates for legal services. Motion carried 5-0-0.

Mediacom Franchise Violation

Administrator Vahlsing stated that the franchise agreement with Mediacom to provide cable TV and internet in the City requires them to provide updated equipment for the cable access channel. The City requested the equipment in 2018 but Mediacom has not provided it. According to the Franchise agreement the City must provide Mediacom written notice of any non-compliance issues with the contract. A letter needs to be sent to Mediacom to put them on notice that they need to update our equipment per the franchise agreement contract.

Motion by Rehtzigel second by Gard to direct staff and the City Attorney to send notice of contract violation to Mediacom. Motion carried 5-0-0.

OLD BUSINESS

Library Paint and Carpet Replacement Update –

Library Director Michelle Otte updated the Council on the library renovations. The library was temporarily moved to the Council Chambers while the painting and carpet installation were completed in December. Currently, shelving and books are being moved back into the library area. The outcome looks great and the public has had a positive response to the renovations. An open house may be planned in the near future.

Update on Goodhue County Solid Waste Ordinance

County Commissioner Barney Nesseth stated that a solid waste ordinance is being finalized. The ordinance is not equitable for the whole County with Kenyon being at a disadvantage because we are the furthest away from Red Wing. A public hearing will be held by the County Public Works Department on February 18 at 5:00 pm.

Motion by Mortensen second by Rehtzigel to direct staff to send a letter addressing the City's concerns with the solid waste ordinance to the County Commissioners. Motion carried 5-0-0.

Kenyon Bar and Grill Charitable Gambling

Administrator Vahlsing stated that Alex Rivero requested that the motion to approve Merrick, Inc. to operate charitable gambling at the Kenyon Bar and Grill be amended to remove the "10% donation of net proceeds back to the City". The State would not approve their charitable gambling application with the 10% requirement in the motion.

Resolution 2020-03 Approving the Lawful Gambling Premises Permit Application for Merrick, Inc. to Conduct Lawful Gambling at the Kenyon Bar & Grill Located at 632 County 12 Blvd, Kenyon, MN 55946
Motion by Mortensen second by Gard to adopt Resolution 2020-03. Motion carried 5-0-0.

NEW BUSINESS

Resolution 2020-02: A Resolution Authorizing Acceptance of 2019 Donations

This resolution authorizes the acceptance of \$21,811.00 in donations to various departments during 2019. Motion by Mortensen second by Nielsen to approve Resolution 2020-02. Motion Carried 5-0-0.

Goodhue County Mutual Aid Fire Services Agreement

Vahlsing stated that this would be a renewal of a mutual aid agreement between the larger cities in the County. It covers the use manpower, equipment, and related resources for emergency response purposes. Motion by Rechtzigel second by Mortensen to approve the Goodhue County Mutual Aid Fire Services agreement. Motion carried 5-0-0.

Replacing Street Sweeper

Wayne Ehrich, Public Works Director, provided an update on possible replacement of the 2004 Elgin Street Sweeper. After testing by OSHA through a pilot program, it was found that the current sweeper does not meet silica dust particulate requirement standards that were revised by the EPA last year. Last year the Council discussed the possible replacement of the current sweeper in 2020. The City was recently awarded a \$10,000 grant from OSHA to be used on a sweeper purchase. Estimated cost of a reconditioned sweeper would be in the range of \$110,000-\$140,000. The City would receive \$25,000 trade in for the old sweeper. The estimated net purchase price would be \$85,000 - \$115,000.

Motion by Rechtzigel second by Mortensen to authorize staff to search for a street sweeping machine that fits our City's needs. Motion carried 5-0-0.

OTHER BUSINESS

Schedule of Upcoming Meetings

Planning Commission Public Hearing: Tuesday, Jan. 21st @ 6:00 p.m.

KMU Meeting: Wednesday, January 22nd @ 6:00 p.m.

Red Wing Avenue Informational Meeting: Thursday, Jan. 23rd – 5:00-7:00 p.m.

EDA Annual Meeting: Tuesday, January 28th @ 9 a.m. at Kenyon Bar & Grill

SEMLM Annual Meeting: Thursday, January 30th in Rochester

City Council Meeting: Tuesday, February 11th @ 7 p.m.

COUNCIL AND STAFF GENERAL COMMENTS

Engineer Rhein noted that with the new decade, lots of changes have happened over the past 10 years. He wished everyone a Happy New Year and is looking forward to a busy year.

Mayor Henke welcomed Councilman Nielsen back.

Councilman Nielsen was glad to be back.

Councilman Gard wished everyone a Happy New Year and stated that January is radon detection month.

Councilman Rechtzigel was glad to have a full council back.

Councilman Mortensen noted that the garbage business just never ends.

Motion by Nielsen second by Gard to adjourn the meeting at 8:39 p.m. Motion Carried 5-0-0.

Holli Gudknecht, Administrative Assistant

Douglas Henke, Mayor