

Pursuant to due call and notice thereof, a City Council Meeting was duly held in the City Council chambers at 7:00 p.m. on the 8<sup>th</sup> day of January 2019. The following members were present: Mayor Mike Engel, Council Members, Dan Rehtzigel, Richard Nielsen, and John Mortensen. Also, present: Administrator Mark Vahlsing, Engineer Joe Rhein, Attorney Scott Riggs, Administrative Assistant Holli Gudknecht, Police Chief Lee Sjolander, Public Works Director Wayne Ehrich, Peter Kerr

### **CITIZEN COMMENTS**

None

### **ADOPT AGENDA**

Addition: / X / Old Business / B / Update on County Solid Waste Process

Addition: / XI / New Business / F / Appointment to NLC Small Community Council

Motion by Nielsen second by Mortensen to approve the amended agenda. Motion carried 4-0-0.

### **CONSENT AGENDA**

Motion by Nielsen seconded by Mortensen to approve the Consent Agenda, which includes payment of check numbers, 69168 through 69245; 3117E through 3137E; and additional checks 69246 through 69254. Motion carried 4-0-0.

### **PRESENTATIONS/PUBLIC HEARINGS**

Jessica Seide, SE MN TZD Coordinator and Officer Mike Nguyen, Kenyon Police Department presented a summary of the 2018 Toward Zero Deaths Program activities. The goal of the TZD program is to reduce injuries and deaths due to speeding, impaired and drunk driving and other preventable causes on Minnesota Roads.

### **ENGINEERING**

#### **Red Wing Ave Update**

Engineer Rhein stated that the soil borings were completed. The draft geotechnical report was received, and no major concerns identified. He also stated that the sanitary sewer mains were televised and found to be in moderately poor condition. The topographic survey of the project area will begin this week. It will take about two weeks to complete. Information from the topographic survey will be used as part of the project design plan. At the February meeting, the Council will review the findings on Red Wing Avenue to date and consider moving forward with the feasibility report.

#### **2<sup>nd</sup> Street Sanitary Sewer Improvements**

Engineer Rhein stated that the topographic survey information will be collected in the next two weeks. Then the detailed construction plans will be prepared. The engineers will be meeting with MN DOT tomorrow on the road closing options. Plans are expected to be ready for approval at the March 2019 council meeting. Bids should be ready to be accepted in April with construction beginning in the spring of 2019.

### **LEGAL**

#### **2019 Appointments and Designations**

- Planning Commission – 2 Year Term – Jim Malloy
- Public Utility Commission – 3 Year Term – Jim Malloy
- Library Board – 3 Year Term – Pat Senjem
- Economic Development Authority (EDA) – 4 Year Term – Stu Campbell (Mayor & Council member on EDA) Mike Engel 2 years , Dan Rehtzigel 4 years.
  - a. Acting Mayor – Richard Nielsen
  - b. Legal Newspaper – Kenyon Leader

- c. Depository – Security State Bank
- d. City Attorney – Scott Riggs, Kennedy & Graven Chartered
- e. Prosecuting Attorney – David Jacobsen, Hero, Jorstad, Jacobsen Law Firm
- f. City Engineer – Joe Rhein, Bolton & Menk
- g. City Auditor – CliftonLarsonAllen LLP
- h. Financial Consultant – Per Project Basis
- i. Investments – As Allowed Per Minnesota Statutes
- j. Deputy Clerk – Holli Gudknecht
- k. Weed Inspector – Mike Engel
- l. Audit Committee – Rick Nielsen, Sue Dodds, Mark Vahlsing
- m. Personnel Committee - Mike Engel, Doug Henke and Mark Vahlsing
- n. Liquor Committee – Diane Barrett, Rick Nielsen, Russell Thurmes, Mark Vahlsing
- o. Kenyon Fire Relief Association – Mike Engel and Mark Vahlsing

Motion by Mortensen seconded by Nielsen to approve committee appointments and designations. Motion carried 4-0-0.

**Resolution 2019-01: Establishing License Fees and Compensation**

Motion by Nielsen second by Mortensen to approve Resolution 2019-01. Motion Carried 4-0-0.

**Annual Dance Permit for VFW Post**

Motion by Engel second by Nielsen to approve the 2019 dance permit.

Motion carried 4-0-0.

**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).

Motion by Nielsen second by Rehtzigel to approve the annual refuse and recycling licenses.

Motion carried 4-0-0.

**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

Motion by Mortensen second by Nielsen to approve the annual sidewalk obstruction licenses.

Motion carried 4-0-0.

**Annual Mobile Merchant License for Che Che’s Lunchera**

Motion by Rehtzigel second by Mortensen to approve the annual mobile merchant license.

Motion carried 4-0-0.

**Kennedy & Graven 2019 Rates for Legal Services**

Administrator Vahlsing stated that the proposed rates for legal services have increased approximately two percent for 2019. This increase would raise the hourly base rate from \$165 to \$168 an hour. The other associated rates would also increase \$5.00 per hour.

Motion by Nielsen seconded by Mortensen to approve 2019 rates for legal services. Motion carried 4-0-0.

**Discuss amending Section 405 City Code - Housing Code - Rental Units**

Administrator Vahlsing stated that Section 405 of the City Code which governs Rental units has never been implemented. The ordinance was passed in 1994 requiring that all rental units to be licensed by the City and be inspected annually. There were issues with establishing the licensing and inspection requirements, so it was never implemented. Vahlsing suggested having the City Attorney look at some options to amend the ordinance. The council liked the specific requirements and enforcement steps of the Stewartville ordinance and would like to tweak it for Kenyon. Attorney Riggs was directed to review this ordinance with Police Chief Sjolander and make revisions.

**OLD BUSINESS**

**Emergency/Mass Notification Software**

No new information.

**Update on County Solid Waste Process**

Administrator Vahlsing stated that he had attended a Goodhue County Board of Commissioners public hearing today in Red Wing. The hearing was to take testimony on the designation of all mixed municipal solid waste generated in Goodhue County to be delivered to the City of Red Wing's Solid Waste Campus for removal of recyclable materials and other banned, toxic or hazardous materials at an increased fee. Most of the refuse haulers in attendance were against this proposed ordinance, because of the increased costs. The commission voted 3-2 to proceed to the next step of negotiating with the haulers. Vahlsing will continue to update the council as steps are taken.

**NEW BUSINESS**

**Liquor Store-Minnesota Lottery Sales Site**

Administrator Vahlsing reported that Representatives of the MN State Lottery met with Matt Bartel and himself to discuss the Kenyon Muni as a lottery sales site. The State Lottery is attempting to establish a new site in Kenyon after the BP Station closed. If MN Lottery sales were approved at the Muni, the State would provide a self-service vending Machine in three to four months, which would reduce the impact on labor. The main benefit of the lottery addition would be the potential of increased traffic and sales for the off-sale. The Lottery would pay 6% commission for scratch off ticket sales and 5% for the sale of lotto tickets. There is also a 1.5% redemption commission for winning pay-outs from both. The Liquor Committee discussed the Lottery at their December 28<sup>th</sup> meeting and were supportive of the concept.

Motion by Engel second by Nielsen to approve moving ahead with making the Kenyon Muni a MN Lottery Sales site. Motion carried 4-0-0.

**Liquor Store – 2019 Rose Fest Band**

Administrator Vahlsing stated that Lost Highway has been booked as the band at the Muni for Rose Fest weekend.

**Revise minimum Age for Firefighters from 21 to 18**

Administrator Vahlsing stated that Fire Chief Scott Miner requested Council approval to decrease the minimum firefighters age from 21 to 18 due to increased difficulty in recruiting candidates. The Fire Department voted to recommend the approval.

Motion by Rehtzigel second by Nielsen to approve decreasing the minimum firefighter age from 21 to 18. Motion carried 4-0-0.

**Resolution 2019-02: A Resolution Authorizing Acceptance of 2018 Donations**

This resolution authorizes the acceptance of \$29,995.73 in donations to various departments during 2018. Motion by Engel second by Nielsen to approve Resolution 2019-02. Motion Carried 4-0-0.

**Carriage and Cutter Day Requests for February 23, 2019**

Motion by Mortensen second by Rechtzigel to approve items related to Carriage and Cutter Day: Parade Route/Permit, Street Closings/Detour, Parking Restrictions, Use of Fire Hall for Pre-parade Meal, \$1000 Donation to Carriage and Cutter Day, 5K – Approval of Race & Route, Use of Ambulance Garage, and Snowball Tourney. Motion carried 4-0-0.

**Public Works Proposed Projects**

Public Works Director Ehrich presented a list of smaller street and storm sewer projects that he would like to complete in 2019 using the remaining funds from the sale of the tractor and equipment last month. The total net amount from the sale of the tractor and equipment was \$94,738. After the purchase of the skid loader and related equipment the amount remaining from the sale is \$30,813. The total of the proposed 2019 smaller projects is approximately \$27,000. The council agreed that the remaining funds could be used for the listed projects. A resolution will be prepared for the February council meeting to transfer \$12,000 to the street department fund and \$15,000 to the storm sewer enterprise fund from the Capital Fund.

**Appointment to the National League of Cities Small Community Council**

Administrator Vahlsing reported that he had been appointed to the National League of Cities Small Community Council.

**OTHER BUSINESS**

**Schedule of Upcoming Meetings**

KMU Meeting: Wednesday, January 16<sup>th</sup> @ 6:00 p.m.

EDA Annual Meeting: Tuesday, January 22<sup>nd</sup> @ 9 a.m. at KW High/Middle School

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

**COUNCIL AND STAFF GENERAL COMMENTS**

Councilman Mortensen welcomed Dan Rechtzigel to the council and Mayor Engel to another term.

Councilman Nielsen reiterated Mortensen's welcome.

Mayor Engel thanked Rechtzigel for joining the council and has already seen value in having him on the council.

Administrator Vahlsing also welcomed Rechtzigel to the council.

Motion by Mortensen second by Rechtzigel to adjourn the meeting at 8:25 p.m. Motion Carried 4-0-0.