Response to the City's Production of October 26, 2026

From	kenyonminnesota.com, team@kenyonminnesota.com
To	Heather DeWitz, Administrative Assistant, City of Kenyon, hdewitz@cityofkenyon.gov
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Date	October 27, 2026
Re	Data requests of October 15 and October 22, 2026 under Minn. Stat. ch. 13; the City's production by Dropbox link of October 26, 2026

Hello Heather,

Thank you for the Dropbox folder. We checked it against the fourteen items in our requests of October 15 and October 22. Two are complete: A6 and A10. The rest are not, and the production raises two concerns.

The first is what is missing. The records that answer this request did not come: the service application for 551 Engel Drive, the purchase order and estimates behind the figures given to the council, the executed assignment of the lot, the administrator's correspondence, and any certification of the cannabis business. The City did not say whether any of them exists.

The second is the condition of what came. Executed agreements arrived as unsigned Word drafts. Email arrived as printed PDFs, some chains three times over. Several CMPAS records reached City Hall only by forward from an employee's personal Gmail account. The folder also holds a court warrant for a stranger to Kenyon, downloaded the afternoon the folder was built, with his date of birth and driver's license number. Records kept this way are not "easily accessible for convenient use" (Minn. Stat. § 13.03, subd. 1).

Each open item is listed below: what the folder contains, and what is still owed.

NOT PRODUCED

> **A1. KMU Application for Installation of New Service and Specification Agreement for 551 Engel Drive.**
>
> **Have:** nothing.
> **Need:** the application and agreement, or a written statement that none was ever filed.

> **B1. Any request for local certification the City received from the Office of Cannabis Management under Minn. Stat. § 342.13 for 551 Engel Drive, Corgi Canna, Sweet Cut Grow, Firebird, LLC, or Falcon Investments LLC.**
>
> **Have:** nothing.
> **Need:** each request, or a written statement that none was ever received.

> **B2. Any certification, response, or other submission the City made to the Office of Cannabis Management or to Goodhue County under City Code § 1140.05 for 551 Engel Drive, Corgi Canna, Sweet Cut Grow, Firebird, LLC, or Falcon Investments LLC, with the date sent and the name of the signer.**
>
> **Have:** nothing.
> **Need:** each submission, or a written statement that none was ever made.

Data access policy (§ 13.025, subd. 2) and the name of the data practices compliance official (§ 13.05, subd. 13).

Have: nothing.

Need: both.

PRODUCED IN PART

A2. The contract sent on or about July 2, 2026.

Have: the CMPAS Master Distribution Services Agreement, which Mr. Lehner's October 12 email says "was sent to Randy in July."

Need: the July email that transmitted it, and a written statement that this is the contract described at the October 13 council meeting.

A3. Correspondence with CMPAS, January 1, 2026 to present, on the industrial park, transformers, or a substation.

Have: October 5 to 21, 2026, and the May 13, 2026 Xcel/CMPAS meeting summary as an October 20 forward.

Need: January 1 through September 30, 2026, including the administrator's mailbox.

A4. Cost estimates, quotes, studies, or memos for a transformer or substation, January 1, 2025 to present.

Have: the EDA coordinator's January 2, 2026 lot estimate ($38,250).

Need: the IPS purchase order and quote for the 750 kVA transformer (requested by KMU on October 19), every estimate, quote, or memo for a substation, and the document behind the $1 million, $3 to 5 million, and $5 to 6 million figures stated on October 13 and October 20, or a written statement that none exists.

A5. KMU minutes and agenda packets, January 1, 2025 to present.

Have: minutes for every meeting, and agendas for 2026.

Need: agendas for 2025, and agenda packets for every meeting.

A7. The Falcon Investments purchase agreement, the assignment from Firebird, and the sale price.

Have: the Firebird agreement, the $212,000 price, and an unsigned assignment draft dated "March ___, 2026."

Need: the executed assignment and the closing statement for the March 26, 2026 sale.

A8. EDA minutes and agenda packets, January 1, 2026 to present.

Have: minutes through September, and packets for every month except August.

Need: the August 25 packet, and the January 27 packet (the file sent is a two-page agenda).

A9. The administrator's employment agreement, salary and changes since hire, and any vehicle or expense allowance.

Have: an unsigned Word draft of Resolution 2024-26 with the agreement as Exhibit A.

Need: the executed agreement, and actual gross salary with each change since December 2024 (§ 13.43, subd. 2(a)(1)).

B3. Correspondence between the administrator or the EDA coordinator and the four companies on electric service, utility capacity, or a transformer, January 1, 2025 to present.

Have: the EDA coordinator's folder.

Need: the administrator's correspondence.

B4. The documents behind the November 13, 2025 EDA minutes statement that utility demand "will remain within the city's current capabilities."

Have: the EDA coordinator's November 10, 2025 email.

Need: any KMU load estimate or capacity review, or a written statement that none exists.

RELATED RECORDS, ITEMS C1 TO C12

Each item below arises from a record the City produced or from a gap it left, and each goes to the same subject as the original request: the cost of electric service to 551 Engel Drive and what the City knew about it, and when. They are not a new request. They are the records the production shows must exist if the statements in the City's own minutes are true. Under Minn. Stat. ch. 13, please produce them in electronic form.

C1. The purchase order, invoice, and payment record (check or ACH) for the 750 kVA transformer supplied by IPS / B&B Transformer, 2026.

C2. Any estimate or invoice sent to Firebird, LLC or Falcon Investments LLC for electric service costs after the December 16, 2025 KMU vote to "charge them upfront," any payment received, and any determination of the customer's share under the KMU Electric Service Rules.

C3. The Electrical Consultants, Inc. contract or proposal for the Long Range Plan authorized August 14, 2026, its cost, any deliverable to date, and any request for quotes for a substation.

C4. Any appraisal, offer, option, or correspondence concerning the 12-acre parcel near the industrial park discussed on October 20, 2026 as a substation site.

C5. Resolution 2026-37 (interfund loan from the Electric Fund to the EDA Fund), its terms, and the EDA Fund ledger from March 1 to October 31, 2026 showing receipt and use of the proceeds of the March 26 sale.

C6. The Utility Financial Solutions rate study issued April 2026 and the load forecast it used.

C7. Any Application for Installation of New Service and load information for the welding shop referred to on October 14 and October 20, 2026.

C8. The invitation, attendee list, and any Kenyon notes for the May 13, 2026 meeting between Xcel Energy, CMPAS, and KMU on transmission near Kenyon.

C9. Any review by KMU, the city engineer, or the city attorney of the statement in the December 9, 2025 Purchase and Development Agreement that primary electric distribution infrastructure "is installed and is available," and of the "3 phase electric" description in the City's industrial lot listing.

C10. The packet distributed in open session on September 21, 2026 concerning Mr. Eggert's performance, and the notice of allegations referred to in those minutes, as public under § 13.43, subd. 2(a)(4) and (5).

C11. The City's email and records retention policy, and any instruction to staff on conducting City business from personal accounts.

C12. Correspondence among City staff, officials, or counsel concerning the handling of our October 15 and October 22 requests.

Deadline for C1 to C12: as soon as reasonably possible, and no later than Thursday, November 5, 2026.

TWO REQUESTS ON THE SEARCH

Data created or received by City staff in the course of City business are government data wherever they are kept (§ 13.02, subd. 7), and the City must make and preserve them (§ 15.17, subd. 1). Please confirm in writing that the personal accounts used for City business were searched for items A1 through A4 and B3.

Please remove the Ramsey County warrant from the shared folder. We will not use it.

THE LAW

For each item, the City must produce the data or give a written denial citing the specific statute (§ 13.03, subd. 3(f)). Records must be kept "easily accessible for convenient use" (§ 13.03, subd. 1). Requests must be handled "in an appropriate and prompt manner" (§ 13.03, subd. 2(a)), and copies supplied "as soon as reasonably possible" (§ 13.03, subd. 3(c)) in electronic form (§ 13.03, subd. 3(e)). We authorize no charges. The request names fourteen specific records, and most of what was produced is minutes and agreements the City already publishes in its council packets. We do not narrow it.

DEADLINE

Thursday, October 29, 2026: every item above, or a written denial citing the statute. If that passes, on October 30 we request an advisory opinion from the Commissioner of Administration (§ 13.072) and pursue the remedies in §§ 13.08 and 13.085.

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