

KINDRED CITY COUNCIL MEETING MINUTES
Wednesday, July 6, 2022 ~ 7:00pm ~ Kindred City Hall

MEETING CALLED TO ORDER AT 7:00pm by Mayor DuBord, CMs Amerman, Stoddard, and Peraza present. Absent: CM Spelhaug. Newly Elected City Council Members present: Mayor Darrell Kersting & CM Julie Johnson. Others present: City Attorney Sarah Wear, City Engineers Brandon Oye & Anthony Sommerfeld, PWS Rich Schock, Auditor Tabitha Arnaud, Building Administrator Mike Blevins, Cass County Sheriff's Deputy Bryce Noonan, Mark Ottis, Marlowe Rud, Jan Russell, Sue Kersting, Justin Fetsch.

APPROVE AGENDA

MOTION, passed – To approve the agenda with revisions;
Peraza moved; Stoddard seconded. RCV (Roll Call Vote); MCU (Motion Carried Unanimously).

ORGANIZATION MEETING ITEMS

A. Official 2022 Primary Election Results: Per ND.gov, official results were posted July 1, 2022. Mr. DuBord read the Oath of Office and the following members were sworn in for 4-year terms, expiring June 2026:

- Mayor Darrell Kersting as Kindred Mayor (present)
- Council Member Adam Spelhaug as Kindred City Council member (absent, but Oath of Office submitted)
- Council Member Julie Johnson as Kindred City Council member (present)
- Park Board Member Robby Sahr as Kindred Park Board member (absent, but Oath of Office submitted)
- Park Board Member Lydia Ronningen as Kindred Park Board member (absent, but Oath of Office submitted)
- Park Board Member Carlotta Ford as Kindred Park Board member (present)
- Municipal Judge Dona Schock as Kindred Municipal Judge (present)

Before Mayor DuBord and CM Amerman stepped down, CM Peraza thanked them both for their hard work and time and efforts during their terms on City Council and presented them each with an honorary "Key to the City". Mayor DuBord and CM Amerman both thanked the current and incoming board members and city staff for their dedication to the community and to the community for the support over their terms.

Mayor Kersting and CM Johnson then took their seats at the Council table.

B. Election of Council President & Vice President, Designation of Council Portfolios & Authorized Signers: Tabled.

C. Appoint City Auditor, City Attorney, & City Engineer:

MOTION, passed – To appoint Tabitha Arnaud as City Auditor; Sarah Wear, Ohnstad Twichell as City Attorney; Brandon Oye, Moore Engineering as City Engineer;
Stoddard moved; Peraza seconded. RCV; MCU.

COUNCIL BUSINESS

A. Boards & Committees

- Kindred Community Club: Community Club Member Dona Schock provided an update on the annual event scheduled August 12-13, 2022. The schedule of events is being finalized and event flyers will be mailed by the end of July.

B. New Business

- Event Permit Application: Off-site (and Street) Permit for The Uptown Eatery: Auditor Arnaud shared on behalf of owner Sarah Paul that The Uptown Eatery is planning to host the Hi-Way Rollers Car Club next week, Wednesday, July 13 and wanted to allow car owners to sit outside the restaurant to enjoy their meals and/or drinks. Sarah said they plan to set up spool "tables" on their vacant lot next door (460 Elm St) and had thought about requesting parking spaces in front of the restaurant. Discussed the difference between an off-site event permit and a street dance permit; Attorney Wear confirmed off-site permits allow the presence/serving of alcoholic beverages by the alcohol licensed business, street dance permits are for the full closure of any city street. With this information, the application would only be for an off-site event permit.

MOTION, passed – To approve off-site event permit for The Uptown Eatery on July 13, 2022;
Stoddard moved; Peraza seconded. RCV; MCU.

- Promissory Note for 2020-1 Newport Ridge 7th Addition: Discussion on the terms and definitions of the Developers Agreement for Newport Ridge 7th Addition (Phase 5). Auditor Arnaud provided an inventory of the 24 lots within this phase; 12 lots are "developed" (building permit completed, certificate of occupancy issued); 5 other lots have active building permits but are not completed/occupied; 7 lots remain with no active building permits. This gives us a 12/24 or 50% ratio of "developed" lots. If we include active building permits that are not complete, this would be a 17/24 or 71% ratio. According to this, the promissory note could be reduced to 50% of the total value at this time. The "developed" definition was concluded to equal an active building permit and the foundation completed. Using the 17 active building permits and if one more building permit is issued, then the 75% requirement would be met with 18/24 lots having been constructed or actively under construction. This

would allow us to release the promissory note in full. The promissory note value is \$520,000. Discussed legal work involved to release only 50% of the promissory note. PVI stated they'd be grateful to have it released in full, but understand if the City wants to wait.

MOTION, passed – To approve release and discharge of promissory note on Newport Ridge 7th Addition Phase 4 and direct the mayor and auditor to sign; Peraza moved; Stoddard seconded. RCV; MCU.

- Ottis Farms Subdivision Final Plat: Mayor Kersting opened the public hearing. No changes since the preliminary plat hearing last month. With no further discussion, Mayor Kersting closed the public hearing.

MOTION, passed – To approve Ottis Farms Subdivision Final Plat; Stoddard moved; Peraza seconded. RCV; MCU.

C. Building Inspector/Code Enforcement: Building Administrator Mike Blevins shared that 14 building permits have been issued so far this year, with a total project value of \$5.7 million, one being Kindred Elementary School remodel. For comparison, the year-to-date total for 2021 at this time was 19 permits valued at \$2.5 million.

- 190 5th Ave N: Update on notices/orders given for new council members. Auditor Arnaud reported that we are still waiting for confirmation from Top Flight Construction for a time line on the approved roofing, as well as an estimate for siding using existing materials.
- 241 Linden St: Update on notices given for new council members. Discussed estimates for clean-up company to address accumulation of trash/rubbish. Still waiting on quotes for fence repairs. Council agreed it would be best to continue to move forward with the clean-up and repairs.
- 851 Elm St: CM Stoddard asked Blevins if he has had any contact with the owner of this property. Blevins replied that there was a previous building permit issued quite some time ago and the owner complied to the foundation concerns; noted that a final inspection was not completed. CM Stoddard asked Blevins to reach out to the owner to keep the progress moving.
- Mayor Kersting inquired if a notice could be sent out or included on the water bills to everyone in the community to try to clean up their properties and lawns in an effort to beautify the City before Kindred Days weekend. Auditor Arnaud said it could also be included in the upcoming City newsletter scheduled to mail around Aug. 5.

D. Police: Deputy Bryce Noonan presented the June 2022 report with 12 calls for service, including the following: 1-911 hang-up, 1-assist fire, 2-gas drive off, 2-medical assist, 1-suspicious, 3-traffic complaint, 2-disturbance. Deputy Noonan also stated: ***“There has been a large increase in the use of golf carts in town, along with unsafe use of golf carts. This issue will start to be addressed with owners and operators of golf carts more aggressively. ND Century Code Chapter 40-05-22. Golf carts on city streets. The governing body of a city may allow by an ordinance the operation of golf carts on the city streets. The ordinance may not allow a golf cart on federal, state, or county highways in the city, except for the perpendicular crossing of these highways. The ordinance may not allow the operation of a golf cart on city streets except for daytime travel between the owner's place of residence and a golf course. Golf carts that are allowed to operate on the city streets as the result of an ordinance are exempt from the title, registration, and equipment provisions of title 39.”*** He said the largest problem is young and/or unlicensed drivers and those that have too many passengers. He will begin to enforce these concerns on an individual basis. He shared the Cass County Sheriff's Office is conducting an “I got caught” campaign encouraging children to ride/bike/scoot/skate with a helmet on to receive a free ice cream coupon for Dairy Queen. He provided an update on the burglary that occurred in Kindred last summer, stating that the suspects were apprehended and even though the state dropped the charges, they were indicted on federal charges and are currently in prison facing a 10+ year sentence (federal ruling supersedes state rule). He also noted that he requested the speed radar trailer to be placed on south County Hwy 15 in the new speed zone area. He plans to educate drivers over the next few weeks.

E. City Engineer:

- **Wastewater Treatment Improvements; Sewer Improvement District 2019-1**: City Engineer Oye provided a quick background on the project for new council members. He said they are waiting for an update from KPH on the construction schedule; they will be discussing Kindred Days event at the next construction meeting so hopefully that won't be a conflict. A Moore Engineering inspector has been assigned to the project and will work on itemizing punch list items in a more formal manner to be sure citizen complaints on yard/street cleanup are tracked, remedied, and accounted for within the project.

MOTION, passed – To approve ME Invoice 30303 for \$21,404.08; Peraza moved; Johnson seconded. RCV; MCU.

- **Newport Ridge Phase 4 and Water Loop, District 2020-1**: Regrading of the airport ditch was completed, waiting on grass establishment and confirmation with Airport Manager.

- **Dakota St & 5th Ave N Sidewalk Improvements:** Will be meeting with CM Stoddard on this month, then the school on crossing points.
- **Drain 60 Enclosure:** Will be meeting with Public Works Committee then proposing next steps for City.
- **Newport Ridge Phase 5, District No 2022-1:** More to come on this project soon.
- **Capital Improvement Plan:** Oye said he could meet individually with each of the new council members to review the CIP document and overview of projects. CM Peraza said he would talk with CM Spelhaug on potentially working funds into the 2023 budget.
- **Storm Water Management Assistance:** Provided a quick summary on the project for new council members.
MOTION, passed – To approve ME Invoice 30304 for \$2,673.75;
Peraza moved; Stoddard seconded. RCV; MCU.
- **General City Engineer**
 - **Transportation Alternatives (TA) Grant:** Oye stated he met with CM Stoddard and discussed the possibility of submitting a portion of the Downtown Vision Plan. However, there are many items needed to submit the application within a short amount of time. As a result, we will not apply this year.
 - **Floodplain Ordinance Coordination:** Oye shared that when the original flood plain (FP) map was created, Kindred's corporate city limits was smaller, so the city properties were unaffected by the FP. If no properties are affected by the FP, there was no need for a FP ordinance. As more land has been annexed, the corporate city limits have grown to include areas that are technically within the FP. This means that the City is responsible for the floodplain administration. This role will typically fall into a building code or zoning administrator and Auditor Arnaud is the named individual according to the state, however, she is not certified as such. Arnaud asked Oye to assist with coordinating discussion with townships, reviewing authority and jurisdiction, create a FP ordinance, and then designate the FP administrator. Oye estimated the process to be about \$5K for Moore to assist.
MOTION, passed – To approve Moore Engineering to begin floodplain ordinance process up to \$5,000.00;
Peraza moved; Stoddard seconded. RCV; MCU.
 - **15th Annual Moore and Friends Golf Tournament:** City Council Members and staff are invited to Valley City on July 20 for their event.

F. PWS:

- Water main breaks from last month on West Elm St could provide just cause to push up the water main replacement identified in the CIP.
- Water leak repaired to the private service line for St. Maurice's Catholic Church. They inquired about connecting to the City's sewer (they currently have septic and drainage from snow melt causes issues) but the private line 10" lower than the main so it is not economical for them at this time.
- The backup pump at the main lift stations has failed, but so far main pump is keeping up. Pump at Newport Ridge lift station has failed again as well. Grease/oil in the system is still a problem on this one. Note to residents: PLEASE DON'T PUT COOKING GREASE DOWN YOUR DRAINS!!!
- Water use is still high; sprinklers/irrigation systems pull too much too fast. Planning to discuss with CM Spelhaug the options of tiered water usage fees or even/odd watering restrictions, or both. The goal would be to reduce the demand on the systems. Cass Rural Water has increased pressures but all the irrigation systems at once are just too much. Note to residents: Most irrigation systems are installed and contractor sets the system to run automatically, however, the "set it and forget it" logic can be wasteful and costly; check your irrigation systems on a regular basis and make changes based on the weather forecast. City Engineer Oye said he would look for example policies that Kindred could adopt, citing Casselton and Mapleton as communities that already have a water restriction policy in place.
- Compost dumpsters have been going fairly well; try to keep on top of the mixed items and educate users.
- Mayor Kersting asked if there are plans or needs to prep for Kindred Days, like street sweeping? PWS Schock said this is typically part of the prep work and he would get something scheduled.
- CM Johnson cited previous meeting minute discussion on alleys and asked if that was resolved. PWS Schock said the alleys were filled in and were in better shape. One issue was where MLGC had installed hand-holes in the alleys: large rain events washed out the area due to use of incorrect backfill; he met with MLGC representatives and they are working to correct any additional issues that come about from this.

G. Attorney:

- Ordinance 2022-95: Franchise Agreement for Cass County Electric Cooperative: Mayor Kersting opened the public hearing. No changes were made since the 1st reading last month. With no further discussion, Mayor Kersting closed the public hearing.

MOTION, passed – To approve 2nd reading of Ordinance 2022-95: Electrical Franchise for Cass County Electric Cooperative;
Stoddard moved; Peraza seconded. RCV; MCU.

- Ordinance 2022-96: Relating to Highway Commercial District Chap 4-0507.2: No changes since last month.
MOTION, passed – To approve 2nd reading of Ordinance 2022-96: Permitted Uses in HC-2 District;
Stoddard moved; Peraza seconded. RCV; MCU.

- Ordinance 2022-98 Chapter 11-02 Regarding Licensing Requirements for Dogs & Cats: Discussed these changes a few months ago, this is formal document for revision of ordinance; removes the requirement to license your dog/cat but still requires them to have rabies and proper vaccines, wear identification, not “run at large” (be leashed or fenced), and maximum number allowed per household (five dogs and/or cats) is still in place. Deputy Noonan shared that one benefit of registration requirement is the revenues, but as law enforcement, rarely do they check with the City on an animal control call; instead they require the owner to provide proof of vaccinations. Auditor Arnaud said the annual revenues have been around \$300-\$400 and that there are a very large number of residents who do not bother to register their dog/cat regardless of reminders sent. Removing the registration requirement would reduce paperwork/processing and supply costs. Vaccine access is available with the annual Vet Clinic held at City Hall every spring, for those that cannot travel for this service.

MOTION, passed – To approve 1st reading of Ordinance 2022-98: Licensing Requirements for Dogs & Cats; Peraza moved; Johnson seconded. RCV; MCU.

H. Auditor Report

- Consent Calendar:

MOTION, passed – To approve Delinquent Utility Accounts/Shut Off List; Raffle Permit for Ken Garrett Medical Benefit; City Council meeting minutes of 06-15-2022; June 2022 financials and unpaid bills report; Peraza moved; Johnson seconded. RCV; MCU.

- Arnaud shared a drainage concern from 550 Spruce St. Schock looked at the issue and it is a result of the sump pump discharge from Hawk’s Market, which flows north on 5th Ave then west on Spruce St. A low spot at the end of the sidewalk causes the water to pool right in front of the property in the curb. They operate a home daycare and it is an inconvenience for parents during drop-off/pick-up. Schock said the quickest, least expensive option is to have Hawk’s Market discharge their sump pump into the sanitary sewer, but with maxed capacity and lift station concerns that is not ideal. Engineer Oye said he and Schock would review the area after the meeting and try to explore other options for the next meeting.
- Arnaud shared that Moore Engineering Inspector Mark Hatlen and Project Engineer Brad Muscha have been very responsive to any concerns that City Hall receives and forwards on regarding the lagoon project. City Engineer Oye shared that Hatlen is the 1st contact for concerns. If contractor does not complete the work on punch list items, the City can withhold payment requests until they are corrected, even hire out the work if needed.

L. Council & Mayor Reports:

- Peraza: Welcome to Mayor Kersting and CM Johnson!!
- Stoddard: Update on sale of property at 521 Elm St; was able to connect with Swenson’s Masonry to repair the front façade masonry, could possibly be out to complete this tomorrow.

ADJOURNMENT

MOTION, passed – To adjourn meeting at 8:34pm; Stoddard moved; Peraza second. RCV; MCU.

(Minutes subject to council approval.) (Agenda deadline is noon Wednesday the week before the meeting.)

Darrell Kersting, Mayor

Attest: _____
Tabitha Arnaud, City Auditor

Date approved: _____