

**KINDRED CITY COUNCIL - REGULAR MEETING MINUTES**  
**07-07-2021 at 7:00pm – Kindred City Hall**

**MEETING CALLED TO ORDER AT 7:02pm** by Mayor DuBord with CMs Spelhaug, Peraza, and Stoddard present. Absent: CM Amerman. Others present: City Engineer Brandon Oye, Engineer Anthony Sommerfeld, City Attorney Sarah Wear, PWS Rich Schock, Auditor Tabitha Arnaud, Building Administrator Mike Blevins, Marlowe Rud, Steve & Deb Busche, Sierra & Skyler Schmidt, Mark Erickson, and Mark Ottis.

**APPROVE AGENDA**

**MOTION – To approve the agenda with revisions (under NEW BUSINESS add Skyler & Seirra Schmidt and Steve Busche);**  
**Stoddard moved, Peraza seconded. RCV; MCU**

**CONSENT CALENDAR**

**MOTION – To approve the consent calendar items: City Council meeting minutes of 06-02-2021; June 2021 financials and unpaid bills report; Tax Exemption on New Construction 421 Skylane St & 108 Sheyenne St; Raffle Permits for Kindred Wildlife Club (07-31-2021 & 11-22-2021) and Kindred Community Club; Off-Site Permit Application for Hawk’s Market;**  
**Peraza moved, Stoddard seconded. RCV; MCU.**

**BOARDS & COMMISSIONS**

- A. Kindred Community Days: Tabitha shared that the Community Club is putting the final touches on the event flyers and those will be mailed out next week, and provided a copy of the completed event permit for the Kindred Wildlife Club’s trap shoot.

**COUNCIL BUSINESS**

A. New Business

- Skyler & Seirra Schmidt for Boulevard Improvements at Lucky Ducky Childcare (195 Spruce St): The Schmidt’s shared that they would like to improve the area of greenspace and parallel parking to the south of their business, east of the driveway to create additional parking and safety for drop-off/pick-up of children. They presented a plan to pave the area, creating additional parking by striping diagonal lines and installing ballards to create a safe walking area between the retaining wall and parking spaces. This area is outside the property line and is the city’s boulevard and street right-of-way. The Schmidt’s discussed the plan with PWS Schock and Engineer Brandon Oye. Rich and Brandon checked the runoff with a watershed test (3,000 gallons of water in 2 minutes). Water ran to the ditch moving eastward, directly to the storm drain. PWS determined there would be no adverse effects of drainage if asphalt area is increased. Attorney Sarah Wear stated that since the work is to be privately completed in a city easement an encroachment agreement should be completed between the owners and the city. Anthony Sommerfeld of Moore Engineering shared that these types of agreements are common and covers the city or other underground utility companies if repairs or improvements need to be addressed. Building Administrator Mike Blevins said he would work with Brandon and Rich to verify the specifications and issue a building permit to the Schmidt’s when ready.

**MOTION – To allow encroachment at 195 Spruce St contingent on execution of an Encroachment Agreement and completion of Building Permit;**  
**Spelhaug moved, Stoddard seconded. RCV; MCU.**

- Steve Busche for Land Treatment Variance Application: Steve Busche shared that he is currently working with the ND Department of Environmental Quality (DEQ) on the removal of contaminated soil found upon excavation of D&S Service at 313 Hwy 46. Waste oil contaminates were found in about a 35-foot radius and site samples were rated at 400ppm (100ppm is deemed safe according to Busche/DEQ). Busche said the state gave him three options: the soil will need to be left in the ground and the lot vacant for a certain amount of time, the soil can be removed and taken to an approved landfill, or the soil can be removed and “land farmed” (apply to a vacant field spreading about 4” thick and cultivating on a regular scheduled basis). The NDDEQ has not given him a final determination on the process but he is being proactive by completing the land treatment variance application. Busche stated that the application asks the township or city official to sign that this process would not violate any zoning ordinances within that jurisdiction; the county also has to sign separately. Busche’s property is a 12.6-acre parcel located in the city’s ET boundary so the township recommended he work with the city. Tabitha verified with our NDDEQ contact that they will remain heavily involved and NDDEQ holds the final decision on disposal site. If the city and county sign the application, the

NDDEQ would perform its own site review for suitability and ensure the safety of surrounding properties. If they soil is to be removed and transferred to any site, the NDDEQ will be on-site performing testing and recording load data for each trip. Building Administrator Mike Blevins said he was not familiar with the application and would need to review the city ordinances. Attorney Sarah Wear said she did not have time to review the ordinances either, but if there are no zoning ordinance conflicts council could approve it and then the state would come in for full assessment of the property. Council took comfort knowing that the state would be able to make the final determination considering the toxicity of the soil.

**MOTION, passed – To approve the disposal of contaminated soil on Steve Busche’s property at 16409 52<sup>nd</sup> St SE, Kindred, contingent on the determination of no conflict with Kindred zoning ordinances;**

**Spelhaug moved, Peraza seconded. RCV; MCU.**

- Grand Farm Request for Proposal: Discussion – Emerging Prairie is the base group and looking for a new site to create a Grand Farm Campus that would provide work-space and innovation center sitting on about 160 acres. This would be a facility that many collaborators could utilize to create and develop agriculture-based technologies. There is currently a Grand Farm site at the I-29 Davenport exit that holds test plots but the company would like to expand their horizons. A letter of intent was sent to the Greater Fargo/Moorhead EDC who is helping coordinate the request for proposals to rural communities in the FM area (Casselton, Mapleton, West Fargo, & Horace). DuBord: this could be a great opportunity for our community; creating new jobs and supporting our existing businesses. Spelhaug: spoke with area land owners and has identified some potential sites; began reaching out to gain community support; they want a community that is in support of technical progression and willingness to allow growth/creation of jobs. Stoddard: questioned the benefit to the city and extent of support to local businesses; what level of securing/negotiating land site options are needed from the city; could be great for the school if new ag programs or internships could be created. Mark Ottis: very exciting opportunity; Red River Valley has history of innovation; Grand Farm being near our community would generate a ton of activity; what kind of operating budget or business plan might they have; very interested in having conversations with Emerging Prairie. The deadline to submit the proposal response is July 15<sup>th</sup>. Questions were sent in to the Grand Farm site-selection contact and a meeting is planned for Monday, July 12 for review of the outlined criteria.

B. Planning & Zoning: Mark Erickson rescinded his rezone application on 06-17-2021, so public hearing is dismissed. See P&Z meeting minutes 06-16-2021. **\*July P&Z meeting is 7/28/2021, not 7/21/2021.**

C. Pool/Park Board: PWS Rich Schock provided an update on the leaking and cracks found upon the pool opening. He said no money was spent on short-term repairs due to insurance claims department not being able to get the sonar test completed. He and Mike Brown have been monitoring for water loss, but that is are to determine since the filling equipment does not function properly. There is no visible water pooling outside of the pool area and usage totals are comparable and not excessive compared to the last three seasons. They plan to evaluate all equipment at the end of this season and determine what needs addressing. Park Board member Lydia Ronningen was not present but sent some updated materials on the resurfacing of the basketball court at City Park. Two quotes provided the estimates for “Flex Court” system that can be installed on existing surfaces and removed if the court should be moved at a later time. There was a colored court option (total \$26,537.00) or a recycled-material option that was all black (total \$19,682.00). The pricing can be locked in with a refundable 25% down payment. Park Board has already secured about \$9500.00 in grants!! Council asked if the Park Board would consider splitting the remaining amount that the grants do not cover; liked the recycled material option to reduce expenses, discussed funding options-Tabitha noted that use of sales tax funds is for the improvements to city parks and buildings.

**MOTION, passed – To approve 25% down payment on \$19,682 flex court using sales tax fund; Stoddard moved, Peraza seconded. RCV; MCU.**

D. Building Inspector/Code Enforcement: Building Administrator Mike Blevins stated there were three new single family residential building permits issued in June. Update on code enforcement for Kent Burner’s properties at 931 Elm St and 190 5<sup>th</sup> Ave N: have had no activity for the past 60 days and at this point building permits have expired. Council agreed to continue with enforcement and issued notice to Mr. Burner inviting him to come to the next council meeting to discuss his options.

E. Marketing: Council reviewed the final logo presentation from Emma Maddock Design Co; favorites were on pages 17, 21, 22. Due to time constraints the 2019 logo will be used on Kindred Days merchandise again.

F. Police: Deputy Beckius was presented the June 2021 report with 35 calls for service; 1-agency assist; 1-alarm; 5 assist fire; 2-burglary; 1-disturbance; 1-domestic; 1-field contact; 1-gas drive off; 1-harrassment; 5-medical assist; 1-missing person; 1-narcotics; 1-parking complaint; 4-public assist; 3-traffic complaints; 1-stolen vehicle; 1-suicidal person; 3-suspicious; 1-vehicle unlock. Deputy Beckius noted that both burglary calls were for a storage unit broken into and items were stolen; the missing person was a child missing for two minutes then found by parents.

F. Engineering:

- **Wastewater Treatment Improvements; Sewer Improvement District 2019-1**: Environmental agreement was approved on June 23<sup>rd</sup>. NDDEQ approved the formal award of contract. CWSRF loan submittal completed for additional funding of local share. KPH intends to start construction late August or early Sept.  
**MOTION, passed – To approve Moore Engineering Inv 27318 for \$6,582.50; Spelhaug moved, Peraza seconded. RCV; MCU.**

Amendment No 4 consists of revisions to items that were included in the initial budget study phase, but now with the contract bid/award process complete, the fee schedules are able to be tightened up. Ex: reductions to Woodlawn force main because location of line has been more confidently located; additional staff hours added to help monitor work when 2-3 areas are seeing construction at once.

**MOTION, passed – To approve Engineering Amendment No. 4; Peraza moved, Spelhaug seconded. RCV; MCU.**

- **Newport Ridge Phase 4; Improvement District 2020-1 & Water Looping Project 2020-2**: Remaining punch list items to be addressed; waiting on request for final payment from contractor. Talked with developers on additional engineering expenses for out-of-scope work. Special assessment process can begin once council approved resolution directing so. Two separate districts were created: 2020-1 is for NPR Phase 4 totaling \$1,070,000; 2020-2 is for the water looping project directly affecting all NPR residential properties and the airport, totaling \$270,000 (airport to pay \$25K upfront, city of cover \$25K, NDSWC grant \$121,600, remaining to assess \$98,400).  
**MOTION, passed – To approve Resolutions Directing Special Assessments be Levied for Districts 2020-1 & 2020-2; Spelhaug moved, Peraza seconded. RCV; MCU.**

**MOTION, passed – To approve Moore Engineering Inv 27251 for \$2,670.00 & 27253 for \$1,577.50; Spelhaug moved, Stoddard seconded. RCV; MCU.**

- **Capital Improvements Plan**: Still trying to schedule a follow-up meeting with Cass Rural Water to discuss the Water Purchase Agreement updates and reservoir control switchover procedure.  
**MOTION, passed – To approve Moore Engineering Inv 26975 for \$860.00; Peraza moved, Stoddard seconded. RCV; MCU.**

- **Downtown Improvements**: DVP has been updated to include widened intersections. Committee meeting scheduled for Friday morning to discuss plans for Kindred Days demonstrations. Public outreach in Engineering Amendment is close to budget at this time. Sewer main and services were televised by Jet-Way. Rich stated there are many shared services, and many that are aging and will need replacement at some point in the future. Discussion on how having a plan in place allows more opportunity to seek funding that could help offset these types of expenses.  
**MOTION, passed – To approve Moore Engineering Inv 27254 for \$1,750.00; Peraza moved, Stoddard seconded. RCV; MCU.**

H. PWS

- Wind storm clean-up still in progress; piles of trees and brush are still on lot as compost dumpster have not been routinely swapped as per schedule set with Waste Management. Discussion on options.
- Fireworks: no noise issues were reported; only one fire call. Kudos to residents!!
- Shelton on vacation this week.

I. Auditor Report

- Continuing work on website. July newsletter to go out by 29<sup>th</sup>.

- Cass County Electric Coop contacted us about beginning the process to review the franchise agreement that expires in July 2022.
- Still looking for volunteers for the Downtown Vision Plan pop-up demonstration on Kindred Days.
- Spoke with Cass County Highway Department on the request to reduce the speed limit further south on County Highway 15. They stated a letter of request should come from the city council and then it would be reviewed at one of their commission meetings. Council agreed this would be a good request to increase safety, especially with the upcoming school year.

J. Council Reports:

- Peraza: Wonderful Library and Park Board Project for the Story Walk! A collaborative effort to acquire grant funding! Great work!!

K. Mayor Report: Volunteerism says so much about our community! Kindred Days is another great example of community support! Hope to see everyone there!

**ADJOURNMENT**

**MOTION, passed – To adjourn meeting at 9:28pm;  
Spelhaug moved, Stoddard seconded. RCV; Motion carried unanimously.**

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

\_\_\_\_\_  
Jason DuBord, Mayor

Attest: \_\_\_\_\_  
Tabitha Arnaud, City Auditor

Date approved: \_\_\_\_\_