

KINDRED CITY COUNCIL – MEETING MINUTES

Wednesday, December 4, 2024 | 7:00 pm | Kindred City Hall

MEETING CALLED TO ORDER AT 7:00 pm by Mayor Kersting with CMs Johnson, Sharp, Spelhaug and Peraza present. Others present: City Attorney Sarah Wear (via phone), City Engineer Brandon Oye, Engineer Brandon Smith, PWS Rich Schock, Auditor Tabitha Arnaud, Building Official Mike Blevins, Sergeant Travis McNamara, Mark Ottis, Lydia Ronningen, Matthew Hall.

APPROVE AGENDA: MOTION, passed – To approve the agenda with addition (raffle permit); Peraza moved; Johnson seconded. RCV (Roll Call Vote); MCU (Motion Carried Unanimously).

NEW BUSINESS

Notice from Cass Rural Water District: Increase of Water User Rates: Discussed notice received that will increase the City's bulk user rate \$0.45/1000 gallons, effective Jan 2025-Dec 2026; the last rate increase from CRW was Jan 2017. The City increased customer water rates at that same time, then revised the water rate structures in May 2018 to incorporate revenues for the water tower project loan. Rates were reviewed again in 2021 in conjunction with the lagoon project; sewer rates were revised at that time, while water rates remained the same. Discussed completing another rate study. Auditor Arnaud shared ND Rural Water Systems and Midwest Assistance Program both will help with this service free of charge; will contact them to get a rate study started and provide an update next month.

Facility Reservation/Community Partner Membership Forms/Rates: Reviewed an updated facility reservation form for rental of the Memorial Building and City Hall, with the following changes: Single daily rental fee of \$50.00 remains; Half day rental removed; Forfeiture of the full \$100.00 deposit for unsatisfactory cleaning, entering earlier or exiting later than application indicates, or if key is lost/damaged. Community Partner membership remains the same; added "City/Gov" user at no cost, but does allow for those types of users (Parks, Community Club, township boards, etc) to sign an agreement for liability waivers, cleaning requirements, and key issuance. **MOTION, passed – To approve the Memorial Building/City Hall Rental Application as presented effective Jan 1, 2025. Peraza moved; Sharp seconded. RCV; MCU.**

P&Z Permit Application Fee Review: Discussed the P&Z Board Members recommended application fees for zoning requests, preliminary/final plats, variances, and conditional use permits. The current fees have been in place since at least 2014 and do not cover the City's costs for legal assistance with the required public hearing notifications and publications. Arnaud provided a history of attorney expenses for each type of application since 2022 and number of applications for each since 2019, noting that the expenses provided do not include staff time for reviewing applications/documents and sometimes beginning preparation of the hearing notices. Variance requests are most common with attorney costs ranging between \$211-805; plat requests ranged from \$745-\$5700. The proposed fees are Conditional Use Permit \$300; Variance \$500; Zoning Request \$750; Preliminary/Final Plat \$1000 each. Discussed considerations for commercial vs residential properties, a larger fee/deposit with option for a refund/invoice for difference, fees comparable to other communities. P&Z would like to remove the Lot Split process from the ordinances, and Arnaud said the water/sewer hookup fees would be removed from this application as those are Chapter 9 not Chapter 4 and are typically handled/invoiced with the building permit process. CM Johnson offered to reach out to other communities for their rates. **MOTION, passed – To table P&Z application fee review to Jan meeting. Johnson moved; Spelhaug seconded. RCV; MCU.**

OLD BUSINESS

Hawk Properties LLC Payment Agreement for Previous Private Water Service Repairs (441 Elm St): Owners have not yet confirmed acceptance of the payment schedule, so the payment agreement has not been drafted. Will contact them and should have an update next month.

BOARDS & COMMITTEES – no updates

BUILDING INSPECTOR/CODE ENFORCEMENT

Mike Blevins reported there have been 21 building permits issued this year to date, with 7 being for new single family residential homes. Discussed the residential remodel for a 2922 sq ft addition. Blevins confirmed since the owner

purchased an abutting lot and combined it with their home lot, the addition received developer approval and met the building code requirements (lot coverage, height, etc). The project includes an architectural pleasing exterior and a large, occupiable space that is not used as a garage/storage space. The developers also contacted concerned neighbors to inform them of the process and approvals.

MARKETING & BEAUTIFICATION – CM Sharp noted that Kindred Area Arts Partnership is working with a group to consider new city signage and/or a mural project; meeting in Dec or Jan. PWS Schock noted winter banners/flags will be installed likely after the natural gas project construction is done for the season.

PARK & POOL

PB Member Lydia Ronningen reported the building permit application is incoming for the warming house (thanks to Ohnstad Twichell for sponsoring this!) and the ice rink will be set up within a couple weeks. Discussed options for tree lighting if electrical service cannot be installed before the Dec 16 event. Ronningen also noted the new City Park playground equipment was delivered. She is still working to include additional ADA equipment options and a possible rubber surface instead of wood chips; will continue looking for sponsors and fundraising options, as well as getting concrete quotes for all of the City Park/Linden Lot needs.

PLANNING & ZONING – Comprehensive and Transportation Plan still in progress. Public input survey is live!!

SHERIFF

Sergeant McNamara attended and presented the Sheriff's monthly report for November – 150 total calls for service, 2 traffic stops, and 22 dispatches. He noted that Deputy Hanson has been partnered with K-9 Kota and reminded residents to freshen up on winter weather driving/safety, as well as locking unattended running vehicles.

CITY ENGINEER

Wastewater Collection and Treatment Improvements; District No. 2019-1: City Engineer Oye reported Moore has completed their work on the project and the remaining items to close the project will be the City's responsibility. CM Spelhaug shared he followed up with KPH and a couple items were corrected, but there was no response on the trace wire. **Dakota St Sidewalk, Spruce St and Elm St Drainage Improvements; District 2023-2:** Discussed previous Council decision to retain \$4,000.00 from contractor's application for payment due to a few remaining punch list items, specifically establishment of grass. Key Contracting is requesting the retainage be reduced to \$1,000.00. PWC is more comfortable at \$2,000.00 as the contract included seeding and watering. PWS Schock noted that the areas that were disturbed by the natural gas contractors is not included in the punch list items for this project. **MOTION, passed – To reduce retainage for 2023-2 project to \$2,000.00. Spelhaug moved; Peraza seconded. RCV; MCU. MOTION, passed – To approve Moore Engineering Invoice 41441 for \$1,892.64. Peraza moved; Johnson seconded. RCV; MCU.**

Newport Ridge & 7th Ave Paving; District No. 2024-1 and 2024-2: Engineer Smith reported that inspections have determined that the project is ready for its intended use, although the lift station is about 75% complete (need propane tank and some electrical work for backup generator). Achieving substantial completion on 10/11/24, triggers the one-year correction period. **MOTION, passed – To accept Certificate of Substantial Completion for 2024-1 & 2024-2 project as of 10/11/2024. Spelhaug moved; Peraza seconded. RCV; MCU.** Smith presented the contractor's application for payment, including a partial (75% payment of the lift station electrical). There is a small list of minor punch list items that will be completed in the spring; grass establishment, fence correction along airport property, streetlights. **MOTION, passed – To approve CAP6 for \$87,217.60. Peraza moved; Spelhaug seconded. RCV; MCU. MOTION, passed – To approve Moore Engineering Invoice 41443 for \$16,798.16. Peraza moved; Johnson seconded. RCV; MCU.**

Norman Acres 1st Addition: PWS Schock reported that sanitary sewer issues were found when lines were televised, and info was provided to the contractor. **MOTION, passed – To approve Moore Engineering Invoice 41445 for \$337.50. Spelhaug moved; Peraza seconded. RCV; MCU.**

Water Reservoir Improvements: Met with PWC, determined current water storage should be adequate for 5-10 years, noting growth concerns could arise if Cass Rural Water cannot supply or increase the City's average daily flow. Need to schedule additional meetings with CRW on this and ownership of the current reservoir facility. The study is on hold until

this meeting can take place and parties discuss. The current reservoir needs a building evaluation to determine extent of construction necessary with improvements. **MOTION, passed – To approve Mutchler Bartram Architects building evaluation quote of \$1,240.00. Spelhaug moved; Johnson seconded. RCV; MCU. MOTION, passed – To approve Moore Engineering Invoice 41444 for \$18,921.25. Peraza moved; Spelhaug seconded. RCV; MCU.**

Plains 3rd Addition Development: Developers are looking to move forward on the project, bidding early 2025. Discussed City's financing options: SRF/lending agencies are requesting the City's audits are completed through the year 2022 before additional loan applications will be reviewed. The City's estimated completion of the 2022 audits is currently June 2025. Discussed the bidding and improvement district creation process, at which time Council would determine the financing and whether to do special assessments. Discussed the proposed Policy on Privately Designed Public Infrastructure, that would identify the roles and responsibilities for the City, developer, and contractor for a project that is constructed/managed without direct City engagement. The policy would provide specifics on an administrative fee: how value is determined, when the payment is due, responsibility for expenses, etc. CM Spelhaug will work on this and a formalized draft will be ready in Jan. **MOTION, passed – To approve Moore Engineering Invoice 41446 for \$1,645.00. Peraza moved; Sharp seconded. RCV; MCU.**

County Road 15 Shared Use Path: No update.

West Metro Perimeter Highway Study: With Kindred being removed from the impacted area of this study, this item will be removed from the agendas.

Comprehensive Plan – City Engineer Assistance: Oye reported his tracked time thus far has been minimal, at \$1,550.00.

PUBLIC WORKS

PWS Schock discussed issues with the natural gas project; struggle to keep up with locate requests for multiple MDU contractors in various areas in town; no design/plans were prepared, the contractors are using the located area to determine the service line routes. The contractors have been good with communicating and working with City staff. Schock recommends future utility projects submit plans prior to construction. Schock reported that some building permit contractors are placing material on the roadways, working with Blevins to inform responsible parties. Discussed snow removal for Norman Acres; City is not responsible for this until the project construction is inspected and City ownership is accepted. Schock shared that the team overlooked that due to the tracks on the new skid steer, the current snow blower attachment is too small. Gathering multiple quotes and discussion with CM Spelhaug, the best value would be a new Erskine SB360x snow blower attachment for \$10,250 less \$3,000 trade in allowance for the current smaller blower attachment, totaling \$7,250. **MOTION, passed – To purchase the Erskine SB360x snow blower attachment for \$7,250.00. Peraza moved; Spelhaug seconded. RCV; MCU.** Schock noted that the snow pile by City Hall will be hauled out prior to melting to prevent drainage issues. SM Sharp asked about sending reminders for property owners/tenants to clear the sidewalks after a snowfall; reviewed the required notifications and process to have the City complete the snow removal and charges assessed to the property.

CONSENT CALENDAR –

MOTION, passed – To approve consent calendar items: meeting minutes of 11/6/24; raffle permit applications for St. Maurice Catholic Church and Kindred Area Arts Partnership; property tax exemption on new construction for 392 Cessna Ave; off-site event permit for Uptown Eatery on 12/12/24; delinquent utility accounts list; bills for payment and financial reports for November 2024. Sharp moved; Johnson second. RCV; MCU.

AUDITOR & FINANCE

2019-2020 Audit Update: Arnaud reported she is working with CPA Stacey Fett to prepare the trial balance spreadsheets Widmer Roel needs for the audit. May consider closing the office for a few "project" days to focus on completing this and gathering of additional documentation requested.

Additional Auditor/Finance Items: Arnaud provided an update on the outstanding invoices (discussed Progressive Insurance offer for invoice payment with 20% depreciation reduction; not accepted, will notify) and 2024 miscellaneous special assessments (one assessment received a partial payment after the values were sent to the County, after being

notified the County was able to update the parcel with the reduced assessment prior to property tax statements being finalized). Arnaud presented the ND State Bonding Fund determination from NDIRF. **MOTION, passed – To approve the resolution the bond of the City Auditor for coverage 12/13/24-12/13/26 for \$1,355,464.00. Spelhaug moved; Peraza seconded. RCV; MCU.** Arnaud also reported that the American Rescue Plan Act revenues (about \$123,000.00) received in 2021-2022 have a delegation of funds requirement for 12/31/24 and will need to be reported by April 2025. Since these were COVID related funds, improvement to city facilities is an eligible expense and City Hall has had a few new issues arise (light fixtures and electric baseboard not working in office, electrical issue in restrooms) as well as previously discussed updates (flooring, tables/chairs, appliances, HVAC with natural gas availability). Arnaud will confirm the delegation requirements tomorrow with a scheduled call to the State contact assisting with the federal reporting and will provide a list of improvements with estimates. Arnaud shared that the new utility billing software onboarding is scheduled to begin 12/9/24; demo-mode training will be the first step to review the transfer of data is accurate; this may also be a cause for “project” related office closures during the transition. Arnaud also reported that three laptops and accessories were purchased during holiday sales, saving \$1200. The 2025 Council Meeting Calendar was presented with only one regular meeting conflicting with an observed holiday: January 1, 2025 is New Year’s Day. **The board decided the regular January City Council meeting will be Thursday, January 2, 2025 at 7:00 pm.**

COUNCIL & MAYOR REPORTS

CM Peraza: Employee reviews will be completed in December and shared in January. Continuing to consider additional staff in future planning.

Mayor Kersting: Thanks to all staff and board members for your efforts!

ADJOURNMENT

MOTION, passed – To adjourn meeting at 8:58 pm. Peraza moved; Sharp second. RCV MCU.

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

Darrell Kersting, Mayor

Tabitha Arnaud, City Auditor

Date approved