

KINDRED CITY COUNCIL MEETING MINUTES
Wednesday, June 15, 2022 ~ 7:00pm ~ Kindred City Hall

MEETING CALLED TO ORDER AT 7:00pm by Mayor DuBord, CMs Spelhaug, Stoddard, and Peraza present. Absent: CM Amerman. Others present: City Attorney Sarah Wear, City Engineers Brandon Oye & Anthony Sommerfeld, PWS Rich Schock, Auditor Tabitha Arnaud, Building Administrator Mike Blevins, Mark Ottis, Marlowe Rud, Paul Matthys, Andrea Janowicz, Jan Russell.

APPROVE AGENDA

MOTION, passed – To approve the agenda with revisions (move Police to top of agenda);
Spelhaug moved; Peraza seconded. RCV (Roll Call Vote); MCU (Motion Carried Unanimously).

COUNCIL BUSINESS

A. Police: Deputy Bryce Noonan was absent but Deputy Canales attended to present the May 2022 report with 14 calls for service, including to following: 2-gas drive off, 5-parking complaint, 3-suspicious, 2-traffic complaint, 2-distrubance. Deputy Canales also shared a letter from Sheriff Jahner about a grant received from the Department of Homeland Security that will allow their department to hold Active Shooter Training Scenarios in four rural Cass County communities: Kindred, Maple Valley, Northern Cass, and Central Cass Schools. The Cass County Sheriff's Office will team up with school officials, rural fire and EMS crews in each community to ensure everyone is aware of the emergency response and tactical procedures to speed up response times in these types of situations.

B. New Business

- Ordinance 2022-95: Franchise Agreement for Cass County Electric Cooperative: Paul Matthys shared that this is a renewal of the existing franchise ordinance that the city has with CCEC. There are no proposed changes, including no annual franchise fee. Attorney Sarah Wear stated that the franchise agreement is completed via an ordinance; city council can set a franchise fee by resolution/ordinance if they choose. Mr. Matthys explained there are other communities that have this franchise fee and essentially, the fee ends up billed to their customers, which is then forwarded onto the city. The city does not currently have a franchise fee set for any of the current ordinances.

MOTION, passed – To approve 1st reading of Ordinance 2022-95: Electrical Franchise for Cass County Electric Cooperative; Stoddard moved; Spelhaug seconded. RCV; MCU.

- Ordinance 2022-96: Relating to Highway Commercial District Chap 4-0507.2: Mayor DuBord opened the public hearing. Attorney Wear stated that this proposed revision adds one item to the Permitted Uses within the Highway Commercial (HC) zoned properties, which is "*Single and multiple residential swelling units above commercial businesses.*" Auditor Arnaud shared this was a request that was brought up to the Planning & Zoning board a few months ago, by an owner looking to develop on an existing HC zoned property. P&Z reviewed the options, including the city's current General Commercial district that already has this same language as a permitted use. Arnaud added that P&Z formally approved the recommendation of this addition to the HC ordinance at their meeting just earlier this evening. Mayor DuBord closed the public hearing.

MOTION, passed – To approve 1st reading of Ordinance 2022-96 relating to Permitted Uses in Highway Commercial District; Stoddard moved; Peraza seconded. RCV; MCU.

- Annual Liquor/Beer License Renewals: All three current registered liquor and beer license holders applied for renewal: The Uptown Eatery, Hawk's Market & Bodega, and Spring Brook Tavern. Arnaud reported there were no changes to the application/owner information since the three license holders applied for renewals last year.

MOTION, passed – To approve the annual liquor/beer license renewals for The Uptown Eatery, Hawk's Market & Bodega, and Spring Brook Tavern (valid 7/1/2022-6/30/2023); Spelhaug moved; Stoddard seconded. RCV; MCU.

- Off-site/Street Dance Permits for Spring Brook Tavern and Hawk's Market & Bodega: Owner Andrea Janowicz discussed plans to hold events over the Kindred Days weekend (Aug 12-13) and Homecoming (Sept 23) at both her alcoholic-licensed properties. She is requesting an off-site/street dance permit for Spring Brook Tavern to serve alcohol on in front the bar and in the parking lot to the east to host a bean bag tournament on Aug 12 from 4pm-10pm, and a parking lot party on Aug 13 from 12pm-12am and a Homecoming parade party on Sept 23 from 4pm-7pm. She is also requesting an off-site permit to serve on the sidewalk outside the Hawk's Bodega door on 5th Ave N to host a bloody mary bar on Aug 13 from 8am-3pm and a Homecoming parade party on Sept 23 from 3pm-6pm.

MOTION, passed – To approve event permits for Hawk's Market & Bodega and Spring Brook Tavern as presented; Spelhaug moved; Stoddard seconded. RCV; MCU.

- Newport Ridge 8th Addition
 - Final Plat: Mayor DuBord opened the public hearing. Arnaud noted the only remaining item to change on the plat is to update the unnamed street to Skylane St; no other comments or concerns were noted; P&Z did approve the final plat at their meeting earlier this evening. No other public comments; Mayor DuBord closed the public hearing.
MOTION, passed – To approve the final plat of Newport Ridge 8th Addition; Spelhaug moved; Peraza seconded. RCV; MCU.
 - 2nd Reading Rezone Newport Ridge 8th Addition: No changes to the rezone request since last meeting.
MOTION, passed – To approve 2nd reading of rezone request for Newport Ridge 8th Addition from AG to SFRA-2 & SFRA-3; Stoddard moved; Spelhaug seconded. RCV; MCU.
 - Developer's Agreement: PVI Developers Mark Ottis and Marlowe Rud shared they have been working with Brandon Oye and Sarah Wear on the proposed Developers Agreement (DA) for the newest phase of residential development in Newport Ridge. They have met with the Kindred Park Board to discuss the required park dedication per ordinance for developments; they agreed the Pro-Ag fields land donation was part of the dedication for previous phases and could be included as part of the total percentage requirement. This language will be worked into the DA so that all parties involved will be aware, as the final percentages will be calculated and additional park dedication can be accounted for with the final phase of development, if needed. Under the proposed DA, the developers will be installing the infrastructure and there will be no special assessment for these costs to the lots from the city; the developers will be working these expenses into the cost of each lot. The city engineer will oversee the construction plans/project and approves the final acceptance of the infrastructure, which will then belong to the city. PVI stated this is different from past phases, but it is feasible. Discussed the paving of Sheyenne St and Prairie Parkway; PVI plans to pave the new section of Skylane St close to Prairie Pkwy but would like to wait until the final phase of development to complete the paving of Sheyenne St and Prairie Pkwy. This is due to additional underground infrastructure that would be tied-into the existing main service lines. The final phase of development will likely be completed after the new flood plain maps are adopted by FEMA, as this will bring the rest of the area out of the flood plain reducing the large expenses of filling lots. Ottis shared that the Cass County Water Resource District's request for additional easements along Drain 60 would be worked into the final phase of development, and that storm water management is being considered so that expectations can be provided to owners/contractors when building on lots.
MOTION, passed – To approve Newport Ridge 8th Addition Developers Agreement contingent on park dedication updates and changing Chap VIII-1 indemnification provision from 6-yrs to 2-yrs; Stoddard moved; Peraza seconded. RCV; MCU.
- Ottis Farms Subdivision Preliminary Plat: Mayor DuBord opened the public hearing. Land owner Mark Ottis explained the plans to replat an existing 80-acre parcel that is located on Sheyenne St E (53rd St SE) in Kindred's ½-mile extraterritorial boundary. The land will not receive any city services as it is too far from our infrastructure and will remain Agricultural zoned. Three new parcels would be created; one about 22-acres is intended to help an interested party move to Kindred and build a home. This parcel previously had a farm home on it, so there is already rural water, septic, and electrical services. There may be a need for a LOMR (letter of map revision) but they are already working with Mike Blevins on building permit requirements. A title opinion is also currently in progress.
MOTION, passed – To approve Ottis Farms Subdivision Preliminary Plat; Spelhaug moved; Peraza seconded. RCV; MCU.
- Preliminary 2022 Election Results: Discussed preliminary results. Auditor Arnaud has confirmed via phone that all current preliminary winners, including write-ins, are interested in serving their respective offices. No official results have been provided yet, as the Cass County Canvassing Board does not meet until June 27, 2022 to certify the votes. NDCC requires the city to hold an Organization Meeting on Tuesday, June 28, 2022, however, with the legislative change on the county canvassing board meetings, the timing is not ideal. With some council member absences, it was decided to not hold the organization meeting on June 28 and move those meeting items to the July 6 agenda.

C. Building Inspector/Code Enforcement:

- 241 Linden St: Attorney Wear shared that a notice of hearing was sent to Mr. Peterson and today's meeting was his opportunity to speak to city council regarding the existing nuisances on his property (fence disrepair, junk accumulation, weed/lawn overgrowth). Mr. Peterson was not in attendance. Mayor DuBord said there have been many complaints from surrounding neighbors over the last year, multiple notices have been sent, and

although weather has not been very cooperative this spring, there is a need to move forward now. Council discussed the options for repairs/services and companies to get quotes. Attorney Wear recommended limiting entry into the rear yard, unless the property owner is agreeable. The fence appears to be on the property lines, so that does not require entry too far onto the property. She said the junk removal should be limited to the front yard, and reminded that items will need to be held for 30-60 days before disposal as the owner will have an opportunity to reclaim items. Arnaud will request quotes, verify them with CM Spelhaug; once completed bill can be sent to owner for payment, if no payment is made the bill can be assessed to the property taxes.

**MOTION, passed – To request quotes for fence repair and property cleanup at 241 Linden St and award to the lowest and/or most available company;
Peraza moved; Stoddard seconded. RCV; MCU.**

- 190 5th Ave N: Reviewed Top Flight Construction's quotes for repairs: the roofing quote for all new shingles is \$10,810; the siding quote is \$17,730. Received verbal confirmation from Ryan Solomon that the soffit quote is an additional \$2,200. Auditor Arnaud shared that Mr. Burner had mentioned that he had extra gray-vertical siding that could be used to replace the vinyl siding and finish exposed areas; she will verify if there is enough and what Top Flight would charge to finish the siding versus all new installed. Stoddard asked if the roofing portion could be approved first to at least get a start. Mike Blevins shared that weather-proofing the structure would help to protect any further weather-related damage, and noted that soffit is traditionally done after siding.

**MOTION, passed – To approve Top Flight Construction roofing quote of \$10,810 for 190 5th Ave N;
Stoddard moved; Peraza seconded. RCV; MCU.**

D. Boards & Committees

- Follow-up on Sale of 521 Elm St: Mayor DuBord reminded council that the sale of 521 Elm St to Top Flight Construction also included the City paying up to \$5K for masonry repairs (per a quote from Swenson's Masonry) to the front façade of the building. DuBord has tried multiple times to have Swenson's Masonry complete the work, but has been unable to get a commitment due to full schedules. Auditor Arnaud also shared she has tried multiple times to reach out but no response was received. CM Stoddard said he would reach out to Swenson's and ask for a commitment or recommendations for other companies to have it completed.
- Renaissance Zone Committee: The ND Dept of Commerce approved Kindred's first RZ application, so the property owner was notified on June 3, 2022 to proceed with the improvements on the property! The deadline to complete the work is one year.
- Kindred Community Club: The Community Club inquired if the city would be able to get 8 porta potty units for Kindred Days instead of 6 units. Arnaud said this would be an additional \$180; council agreed. City Council agreed to do a vendor booth, but asked about sharing it with another city committee or group; with council checking garbages throughout the day, staffing the booth gets tricky. Arnaud said the RZC has discussed promoting the RZ program so she would ask their board about sharing the booth. Arnaud provided some options for city merchandise; council suggested more shirts and hats for sure, ok to use same logo.

E. Pool/Parks: No PB member present, but discussed the lifeguard needs for the pool. Arnaud shared that Parks Director Brown said more applicants have been hired with the increased wages offered. Arnaud also shared that we have a high-end quote for ADA improvements to City Park and will be considering that further with upcoming budget discussions.

F. Planning & Zoning: At the P&Z meeting held earlier this evening, the P&Z board approved a variance request for reduced setbacks from Viking Homes for the Highway Commercial property on the NE corner of the Hwy 46 & Hwy 15 intersection.

G. Marketing: Kindred Area Arts Partnership (KAAP) street light post banners were hung earlier this month. Due to the banners catching a lot of wind, the light posts actually twisted in the ground and caused some gaps to be created at the light post bases. Ottertail Power Company has been made aware of this issue. We are unsure if the installation was not done correctly (concrete or other anchors?) or what the situation is. It is recommended that future banners have ventilation incorporated or be made of mesh. CM Stoddard said he would talk with OTP.

I. City Engineer:

- **Wastewater Treatment Improvements; Sewer Improvement District 2019-1**: City Engineer Oye reported that KPH has been doing some light work, current project schedule shows an increase in work after July 4 that will go into Aug-Sept. Discussed proposed contract change order, contractor requested time extension due to environmental assessment documents delaying signing of contract and change due to the fiber route.

**MOTION, passed – To approve Contract Change Order No. 1 (27-day extension, no \$value change);
Spelhaug moved; Stoddard seconded. RCV; MCU.**

MOTION, passed – To approve ME Invoice 30026 for \$8,075.36; Spelhaug moved; Peraza seconded. RCV; MCU.

- **Newport Ridge Phase 4 and Water Loop, District 2020-1:** Once Airport Manager accepts ditch work, project can be completed and finalized.
- **Dakota St & 5th Ave N Sidewalk Improvements:** Some site work has been completed.
MOTION, passed – To approve ME Invoice 29998 for \$691.25; Peraza moved; Stoddard seconded. RCV; MCU.
- **Drain 60 Enclosure:** Will be updating CM Spelhaug at the PW Committee meeting tomorrow.
- **Newport Ridge Phase 5, District No 2022-1:** Reviewed all items earlier in this meeting.
- **Capital Improvement Plan:** Discussed considering some of the identified CIP projects into the 2023 budget.
- **Storm Water Management Assistance:** Working on some of the policy documents, will be discussing further with CM Spelhaug at the PW Committee meeting tomorrow.
MOTION, passed – To approve ME Invoice 29999 for \$3,225.00; Stoddard moved; Peraza seconded. RCV; MCU.
- **General City Engineer:** Brandon Oye shared the Annual Moore & Friends golf outing will be July 20 in Valley City. Also discussed the Transportation Alternatives (TA) grant program that is open again for funds to be used 2023-2024. The deadline to submit an application is 8-19-22, but because Kindred is a community in the Metro Cog area, projects must be submitted to them by 7-22-22 for prior approval. Projects that could be included could be portions of the downtown vision plan (sidewalks, curb bump outs, trees, benches, signs, etc). Moore could assist the city; Oye estimated \$1K to get an estimate on the project, \$5K to get thru the application process. CM Spelhaug said he would help to focus/narrow down the work area of the downtown improvements, and CM Stoddard said he would meet with Oye to discuss further as well.

J. PWS:

- **Flood Update:** Sandbagged one culvert which was tore down a few weeks ago. Seeing some clean-up/restoration companies in town, there were some properties with water damage. Lagoon was beat up with high levels and high winds; close to overtopping three times in 5 days, but able to maintain as best we could. Kindred Fire also helped sandbag a few homes in the rural area.
- **Main Sanitary Lift Station Storm Damage Update:** Insurance still in progress. New pump is on order. Old pump was repaired in case a backup is needed.
- Continuing to monitor the lagoon and aerate to reduce algae, various other spring cleanup, and prep work.
- Flushing hydrants off/on throughout town when able.
- Two water line failures on west Elm St: one contractor tore out a water curb stop while moving equipment around on the property, the other was a crack in the main at the corporation for 780 Elm St.
- Will be scheduling Jet Way to service the lift station in Newport Ridge for heavy grease buildup. Reminder to residents to NOT pour grease down the drains!

K. Auditor Report

- Consent Calendar:
MOTION, passed – To approve Gaming Site Authorization for West Fargo Rural Fire Department at Spring Brook Tavern; City Council meeting minutes of 05-14-2022 & 05-13-2022; May 2022 financials and bill reports; Peraza moved; Spelhaug seconded. RCV; MCU.
- Audit Firm Review: Discussed three proposals received for professional audit services. Mayor DuBord, CM Peraza, and Auditor Arnaud met with Widmer Roel on March 10; Nadine Julson chose to only submit a proposal; Peraza and Arnaud met with CarlsonSV on May 20. DuBord said that Widmer Roel seemed fantastic, Peraza echoed that their presentation and expertise was encouraging. Peraza noted that the meeting with CarlsonSV went well, however, their firm is MN based and they do not have any current ND municipal clients. Arnaud shared that Widmer Roel is based out of Fargo, while CarlsonSV is in Fergus Falls, thus travel time expenses could potentially be greater if they need to be billed. Widmer Roel's prior municipal audit experience and knowledge of state audit requirements were also noted. Widmer Roel stockholder/partner and CPA Craig Hashbarger was a former division manager for ND State Auditor's Office and previously worked on audits for

the City of Kindred for years 2004-2005. Discussed whether to approve first two-year audit to get things started or all 5 years.

MOTION, passed – To approve Widmer Roel proposal for audit services for 2017-2018; Peraza moved; Stoddard seconded. RCV; MCU.

- WBI/MDU is continuing on the pipeline project to bring natural gas to Kindred with the Wahpeton Expansion Project. The project is currently under review by the Federal Energy Regulatory Commission; MDU has asked if the City of Kindred would be able to provide a letter or comments of support for the project. Council agreed, as this will be a great asset for our community! Project construction is currently scheduled to begin Spring 2024, with service available by Fall 2024.
- Discussed aerial mosquito spraying ahead of the July 4th weekend. The city budgets for 3 applications per year. Council agreed to get on the schedule tentatively and see how the trap counts are closer to that weekend. Mosquito counts have not been very high, possibly due to the drought last summer, so concerns of mosquito counts multiplying rapidly once we do have wet weather conditions is necessary to consider.
- Arnaud said PVI has requested that the promissory note for Newport Ridge 7th Addition (Assessment District 2020-1) be reviewed for release as the lots have all been sold. Arnaud will review and add to next month's agenda.

L. Council & Mayor Reports:

- Spelhaug: Discussed putting up additional signs on west Elm St, possibly yield signs or a "T" at the 164th Ave SE intersection.
- Mayor DuBord: Thank you to everyone for allowing the June meeting to be rescheduled so I could attend one final meeting as Mayor. Thanks to all for a very entertaining and wonderful 4 years!

ADJOURNMENT

MOTION, passed – To adjourn meeting at 9:32pm; Spelhaug 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: _____