

KINDRED CITY COUNCIL - REGULAR MEETING MINUTES
03-04-2020 at 7:00pm at Kindred City Hall

MEETING CALLED TO ORDER AT 7:00pm by Mayor DuBord with CMs Spelhaug, Amerman, Stoddard, and Peraza present. Also present: City Engineer Brandon Oye, City Attorney Sarah Wear, PWS Rich Schock, and City Auditor Tabitha Arnaud. Guests: Mark Ottis & Mark Erickson.
Mayor DuBord began the meeting with the Pledge of Allegiance.

APPROVE AGENDA

**MOTION – To approve the agenda with revisions;
Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.**

CONSENT CALENDAR

**MOTION – To approve Consent Calendar: city council meeting minutes of 02-05-2020 & 02-12-2020(x2), 2019 year end financials, and February 2020 bills and reports;
Stoddard moved, Spelhaug seconded. RCV; Motion carried unanimously.**

BOARDS & COMMISSIONS

- Renaissance Zone Plan Update and Board: Renaissance Zone Committee is waiting for an updated draft of the Renaissance Zone Development Plan from Lake Agassiz.

COUNCIL BUSINESS

A. Old Business

- Downtown Zoning: Will review what properties to be rezoned with P&Z at their March meeting.
**MOTION – To approve the 2nd reading of 2020-78 for the downtown zoning district;
Amerman moved, Spelhaug seconded. RCV; Motion carried unanimously.**
- City Property: 521 Elm St: Rezone from GC to Downtown District is scheduled for 3/18 P&Z and 4/1 CC meetings. Will discuss sale specifics after this is complete. Mayor DuBord will meet with a masonry company to get a quote for possible repairs to front façade.
- City Utility Billing Policy Update: Council reviewed the summary of previous meeting minutes that discussed when minimum service rates were to be charged. At the 05--3-2017 meeting, a motion was approved **to bill minimum usage for water/sewer, surcharges, with no garbage for snowbirds and vacant homes**. This was never written into a policy, so some accounts that requested their service off at the curb stop have not been billed these charges. Council agreed snowbirds and vacant properties that have service lines to the structures on the lots should be billed the minimums. They reviewed the proposed new Utility Billing Policy form and the list of utility billing accounts that will be affected by enforcement of this policy. After discussion, agreed accounts 31, 43, & 263 should not be billed, and seasonal accounts that have structures on the property should be billed throughout the year. If a property owner wants to no longer receive a utility bill, they will need to allow a Public Works inspection to determine if service lines are operational or not.
- Lake Agassiz Development Group Proposal for Community Visioning & Strategic Planning: Mayor DuBord and CM Spelhaug are in favor of the proposal for assistance to gather community visioning and strategy planning. P&Z board member Mark Erickson stated that Lake Agassiz is a great resource for this. Tabitha was waiting on a response from the ND DOC to see if the Partners in Planning grant would be an option for this proposal. Tabled until we can confirm that.

B. New Business

- Second reading for creation of SFRA-3 zoning district:
**MOTION – To approve the 2nd reading of 2020-77 for the SFRA-3 zoning district;
Spelhaug moved, Stoddard seconded. RCV; Motion carried unanimously.**
- Public Hearings for Final Plat for NPR 7th Addition and Rezone of Lots 1-16, Block 1: There were no attendees for public comment. Notices were properly mailed to surrounding properties, however, published notice in the Cass County Reporter was not completed on time. So both these public hearings will be moved to the April 1st council meeting.

- Drainage Concerns at Sheyenne St & 2nd Ave S (Viking Addition intersection): Home owner at the corner, Julie & Brian Johnson, submitted photos and an email concerned about the drainage issue at their driveway and water pooling that occurs at the sidewalk/bus stop area for children. CM Stoddard and Rich spoke with Julie and Brian to work through the concerns. Brandon Oye reviewed as well. This could be the result of snow build up in the yard. The melt/runoff from the Viking addition has to flow across this driveway to drain. Drains are located in both side yards, but dirt/grass buildup over time and the snow/ice melt/freeze issue in the spring does not allow for quick drainage. The water pools at the low spot in the driveway since the road is at a higher elevation. The Johnson's use a pump to remove the excess water. Rich did try to move some of the snow buildup to alleviate some of the ponding. Will revisit in a couple of months to reevaluate.
- 2020 Mosquito Control Contract – Airborne Custom Spraying: There is no increase in the contract price again this year; remains \$1,475.00 per 500-acre application. CM Stoddard suggested planning to spray more than the usual 2 or 3 times each season as the county treatments don't seem to be as effective. Will discuss further as the season comes along.

MOTION, passed – To approve the 2020 Mosquito Control Contract with Airborne Custom Spraying; Spelhaug moved, Stoddard seconded. RCV; Motion carried unanimously.

- C. Planning & Zoning: Mike Blevins, Midwest Inspection Services, attended to discuss the building permit process. The first permit for 2020 was for the remodel at Kindred Spirits after they had a water line break causing a lot of water damage. They technically began the work before having a permit issued, but were quick to complete the paperwork once they received the notice of needing a permit. City ordinances allow the city to add a penalty for construction work without a building permit; up to \$200/day, each day is a new offense. Council agreed with Tabitha and Mike's suggestion to use Kindred Spirit's example as a learning tool and not assess additional penalties for not having the permit completed ahead of construction. For future issues, Tabitha will include the penalty information in any notices mailed for construction without a building permit. Mike also discussed his ability to help with code enforcement. His hourly rate would be used for this. He is flexible on accumulating the time invested with each issue and simple Q&As on a topic wouldn't be billed. Mark Erickson presented a plan to add a third building to the Lil Buckaroo's campus. A lot split would be done to create a separate lot on the South end, for a 2600 sq ft building to create a Baby Buckaroo's building for 40-50 infants and toddlers. He will be applying for a variance on the parking requirements and front yard setback.

- D. Police: Deputy Beckius presented the February 2020 report with 28 calls for service, as follows: 9-medical; 2-animal call; 14-public assist; 2-suspicious; 1-gas drive off. Deputy Beckius noted that most of the public assist calls were from Deputy Koerber at the schools.

E. Engineering:

- **Wastewater Treatment Improvements; Sewer Improvement District 2019-1**: Submitted an offer to landowner, awaiting response. Waiting for environmental document. Possibly ready for bid in April.
- **Newport Ridge Phase 4; Improvement District 2020-1 & Water Looping Project 2020-2**: FAA requires a safety plan for the water looping project. BND has approved funding for the local share of the water looping to be included with the NPR 7th addition bond. At the 2/13/2020 SWC meeting, the board approved 60% cost share funding for the water looping project. Project estimate is \$240K; SWC 60% would be \$134K, airport share about \$20K, City's local share to be determined, and remaining would be split/assessed to all of NPR properties in 2020-2 district. Bid opening for NPR 7th Addition is scheduled for 3/11/2020 at 2pm, possible special meeting to award contract.

MOTION, passed – To approve SWC Agreement for Cost-Share Reimbursement; Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.

MOTION, passed – To approve Moore Engineering Invoice 23146 for \$78,970.70; Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.

- **7th Avenue Improvements**: Property owner affected by the road improvements has not responded to calls or mailed notices. Council agreed to keep the road straight and asked Brandon to get some quotes for the work.
- **Viking Addition Dewatering Well (2nd Ave S)**: Last month, council approved ME to request bids for dewatering well and drainage improvements Option A (estimate \$37,740.00). Since these costs could be specially assessed there are more legal steps that need to be taken before moving forward.

**MOTION, passed – To create Storm Sewer Improvement District No. 2020-3 for Viking Addition dewatering well and drainage improvements;
Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.**

**MOTION, passed – To authorize engineer to prepare a report, approve engineer’s report contingent on Public Works approval, authorize engineer to prepare plans and specifications, approve plans and specifications contingent on Public Works approval, and authorize the Auditor to advertise for bids;
Peraza moved, Stoddard seconded. RCV; Motion carried unanimously.**

**MOTION, passed – To approve Moore Engineering Invoice 23147 for \$2,077.50;
Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.**

- **Water Tower; Improvement District 2016-1:** Project is on hold until spring for grass establishment. Contractor has submitted an application for payment. Considered additional engineering fees incurred due to the delay that were presented last month (\$23,208.00) as well as additional time on the project that Rich/Public Works had recorded (32 hours + missing safety equipment that was taken; estimate \$10,000 total). Can withhold this amount as liquidated damages.

**MOTION, passed – To approve Contractor’s Application for Payment No. 19 requesting \$87,172.00, retaining \$32,208.00 for liquidated damages which results payment of \$53,964.00;
Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.**

**MOTION, passed – To approve Moore Engineering Invoice 23135 for \$1,867.50;
Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.**

- **Lift Station and Force Main Improvements – Phase 2 Wastewater Improvements:** Brandon reported that a 2013 comprehensive study was completed on the City’s lagoon and wastewater system. Phase 1 was the expansion and rehabilitation of the lagoons. Phase 2 was to upgrade/rehab the main lift station and force main. The Phase 2 project plans/estimates were submitted along with Phase 1 when trying to acquire funding or cost-shares. USACE Section 594 Funding has opened up more funding and awarded the City a 75% grant to complete Phase 2!!! Project cost estimate is \$1.6 million; USACE grants up to \$1.25 million!! Brandon recommends reevaluating the 2013 study for growth that has happened since then as well as future growth to ensure capacity and flows are accurate and lift station are big enough. Study, design, and bidding could be completed in 2020; construction possible in 2021.

**MOTION, passed – To approve Engineering Agreement including update study for growth;
Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.**

- **Capital Improvements Plan:** Brandon presented a revised CIP proposal. Sewer study was moved into the Lift station project (Phase 2 of waste water improvements), allowing more focus on the water services. Agreement includes verbiage for “schedule of payment” to allow splitting the expense over two budget years. Estimate is just under \$60,000; allowing no more than \$30,000 to be billed in 2020, remaining in 2021. As new projects are identified, it is simple and cost-efficient to add them into the existing CIP.

**MOTION, passed – To approve Moore Engineering Capital Improvements Plan Letter Agreement;
Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.**

- **Spring Flood Preparation:** Discussed potential for flooding risks this spring season with how wet the fall was, as well as the need for declaring a state of emergency to be proactive if the situation changes quickly. If declaration is made, RFQs for flood fight engineering services should be completed, again to be proactive. Discussed Cass County flood risk reduction projects (raising elevation of West Elm St, sluice gates on Highway 46 river access); won’t submit for this season.

**MOTION to authorize the Mayor to sign the Emergency Declaration for the 2020 Flood season and appoint Rich Schock as incident commander;
Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.**

- **Downtown Beautification and Sidewalks:** On hold until Lake Agassiz’s community visioning proposal is decided upon.

F. PWS

- Plumbing repair at Cass County Housing Apartments resulted in the need to turn the curb stop off. The curb stop failed and could not be turned back on. Had to call in Randall's Excavating to repair it.
- Considering saving the expenses and not moving the snow piles out. Weather conditions have been good for the melting, opened up the ditches with the small snowblower and water seems to be flowing well and not pooling up. May not need to rent excavator for this either.
- Upon looking at signage replacement, found that we have multiple styles throughout town. Would like to consider implementing a sign standard to avoid this in the future and create consistency. Reviewed quotes on "Library" sign; will order sign with words only, no image. Will add "Yield" sign at southbound 5th Ave S & Rustad Drive.
- Will be looking into a plan for street improvements/crack sealing. No street work has been done since 2014 project.

G. Auditor Report

- Website has been updated; now have separate page for utility billing and building permit information.
- Main Street Initiative holds regional convenings and asked if Kindred would like to host?! YES! Would be a one day event and MSI would bring in other community members to offer group sessions and possibly some trainings. Chose April 23rd. Can hold at Memorial Building or possibly Kindred Fire Hall.

H. Council Reports:

- Stoddard: Overtail LED street light improvements are great and they are still considering additional lighting for Elm Street.

- I. Mayor Report: USACE and SWC grant funding is great news for the City!! Big thanks to Moore Engineering!! And much appreciation to city council team for all their hard work and reviewing all the items the city is handling right now!

ADJOURNMENT

**MOTION, passed – To adjourn meeting at 9:40pm;
Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.**

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

Tabitha Arnaud, City Auditor

Jason DuBord, Mayor

Date approved