

KINDRED CITY COUNCIL - REGULAR MEETING MINUTES
06-03-2020 at 7:00pm Virtual Meeting via Microsoft Teams

MEETING CALLED TO ORDER AT 7:05pm by Mayor DuBord with CMs Spelhaug, Amerman, Stoddard, and Peraza present. Also present: City Engineers Brandon Oye & Anthony Sommerfeld, City Attorney Sarah Wear, City Building Administrator Mike Blevins, PWS Rich Schock, City Auditor Tabitha Arnaud, Deputy Auditor Emily Teberg, and guests Jason Campbell, Jamie Swenson, & Jan Russell.

APPROVE AGENDA

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

CONSENT CALENDAR

MOTION – To approve city council meeting minutes of 05-06-2020;
Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.

MOTION – To approve Tax Exemption on New Construction for 489 Beechcraft Blvd;
Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.

MOTION – To approve Gaming Site Authorization at Kindred Spirits for West Fargo Hockey Association;
Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.

COUNCIL BUSINESS

A. New Business

- Liquor/Beer License Renewal: Kindred Spirits Owner, Jason Campbell, requested that the annual liquor/beer license fee of \$1000.00 be waived for this application year. Early this winter, a water pipe burst and flooded the business. They were closed for 5 ½ weeks during reconstruction. After being open for 13 days, the COVID-19 pandemic forced them to close again. They reopened upon the state and CDC guidelines to reduced hours. Jason stated they'd experienced a minimum \$40K revenue lost between both events. Since reopening to dine-in services, the community's response has been good and the bar is operating normal hours.

MOTION – To reduce the annual liquor/beer license fee for Kindred Spirits to \$1.00 for the current application period (07-01-2020 to 06-30-2021); Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.

- Code Enforcement: Discussion with Mike Blevins and Sarah Wear on proper enforcement of blighted/dangerous buildings. Have had some complaints on properties with broken windows, compromised structural integrity, and junk/trash accumulation. Ordinances, the process and applicable penalties are already in place for all of these types of concerns. Mayor DuBord and CM Amerman will work together on identifying properties of concern.
- Cass County Electric Office Building at Elm St/5th Ave: Mayor DuBord reported there have been many discussions and attempts to coordinate a sale of the old CCE office building from the current owner to MLGC telecommunications company. MLGC had completed an inspection and there is a significant amount of remodeling that would need to be done to the property to be useable as office space. Weighing these costs, the reasonable offer to the owner was rejected. Discussion on whether the city could offer any type of assistance: cannot donate funds directly, potential tax incentives, joint ownership of the building. Current owner offered to sell the front half of the building for \$125K. Could there be a use for the City? New city hall? Or possibly renovate and lease office space? CM Spelhaug stated the return on investment would likely be low on purchase and remodel. Owner could potentially use the upcoming Renaissance Zone Development Plan that would offer tax incentives for remodeling/rehabilitation costs.

B. Old Business

- Disposal of City Property: 521 Elm St: The property was listed with Park Company Realtors with a listing price of \$50,000.00 with the City to complete the estimated \$5,000 masonry repair. Realtor Jamie Swenson provided an update on the numerous interests in the property and the three offers received.
 - Offer A: first offer received; \$30,000 with escalation clause up to \$60,500; finance thru KSB
 - Offer B: second offer received; \$50,000 with escalation clause up to \$55,000; finance thru KSB
 - Offer C: third offer received; \$50,000 flat offer; cash sale

All three parties agreed to have the City complete the masonry repairs. Once an offer is accepted and signed, buyers have a 14-day business inspection period to thoroughly inspect the property. Buyer can renegotiate or back out of purchase if inspection results in unwanted issues.

MOTION – To approve the sale of real property located at 521 Elm St, Kindred, ND for the price of \$55,500.00 to the highest bidder (Offer A), authorizing the Mayor and City Auditor to complete the transaction;

Peraza moved, Amerman seconded. RCV; Motion carried unanimously.

- Downtown Zoning: Mayor DuBord opened the Public Hearing for the rezone of 400-500 Blocks of Elm St between 4th Ave and the truck route. Discussion and review of properties. Mayor DuBord closed the public hearing.

MOTION – To approve the rezone of listed properties from General Commercial to Downtown District and approve the 1st reading of ordinance 2020-82;

Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.

- COVID-19 Response: City Hall is still open by appointment only. Memorial Building reservation has been cancelling as users are physically distancing. Discussion on opening MB restrooms for outside entry for the summer public use. Typically have this available from Memorial Day to Labor Day. Will go ahead with opening them and post signage to remind users of proper handwashing and physical distancing. Discussed the FFCRA (Families First Coronavirus Response Act) that was signed into federal law on March 18, 2020. This policy assists employees who are directly affected by the COVID-19 pandemic with emergency paid sick leave and expanded FMLA leave.

MOTION – To adopt the FFCRA policy amendment;

Amerman moved, Peraza seconded. RCV; Motion carried unanimously.

C. Planning & Zoning: Current building permit report provided.

- D. Pool: Kindred Park Board has been following all the health and safety guidelines and have decided to move forward with opening the pool. Capacity will be monitored/limited and safety measures will be implemented. Younger swimming lessons have been cancelled, but Levels 3-6 are still available, and swimming passes can still be purchased. Reviewed updated annual pool sublease agreement.

MOTION – To approve the 2020 pool sublease agreement with Kindred Park Board;

Amerman moved, Peraza seconded. RCV; Motion carried unanimously.

- E. Police: Deputy Beckius was unable to attend the meeting but provided the May 2020 report with 31 calls for service, as follows: 5-medical; 4-animal calls; 8-public assist; 1-suspicious; 1-fire assist; 1-disturbance; 1-burglary; 4-traffic complaint; 1-domestic; 2-alarm; 2-theft; 1-harassment.

F. Engineering:

- **Wastewater Treatment Improvements; Sewer Improvement District 2019-1**: Offer made to property owner for expansion on current site has stalled; the property has belonged to the owner's family since they homesteaded in this area and they also see some potential for housing/commercial development along the County Highway 15 corridor. They have asked the City to evaluate alternate out-of-town options for a new lagoon site. Discussion on Moore's high-level cost estimate of best case scenario for Phase 1 and 2 of the potential project. Site options are available on both the west and east sides of town; eastward direction will need to contend with airport/runway restrictions, while both directions will require larger property purchase and land easements, as well as redirecting and constructing new force mains. CM Stoddard asked if the city's infrastructure is capable of sustaining 120-200 rooftops? Moore stated the preliminary study looks good and the system would be capable with both phases of upgrades. CM Peraza asked how much the city has already invested with Moore on the existing plan? Brandon said it is about \$200K currently. CM Amerman asked how it would be best to pay for the project? Discussed utility base rates as it is a utility service provided, or possibly budgeting general fund dollars or sales tax revenues to offset some of the cost. CM Spelhaug stated that the PW committee has a conference call with USACE regarding the funding the city had received: the city has no restraints on timing to use those funds, they are earmarked for Kindred so the funds will not be lost if the project is delayed. USACE also said that changing the project location is not a problem, they would just need to be involved with approving any new project plans and ensuring the environmental studies are completed for the new location. PWS Rich stated that the current lagoon is requiring discharge 1-2 times each month as the capacity of the current structure is maxed out. If site is further out-of-town, there would likely be additional expenses for monitoring. Is the land developable at the current site location with the floodplain and location next to the Sheyenne River? Brandon stated a berm/dike would need to be constructed around the development.

MOTION, passed – To approve moving forward with further study on an out-of-town lagoon option (Eastward & Westward);

Stoddard moved, Amerman seconded. RCV; Motion carried unanimously.

- **Newport Ridge Phase 4; Improvement District 2020-1 & Water Looping Project 2020-2:** All underground work is complete except storm leads to catch basins; letting trench backfill settle approx. one month. Moore is evaluating a change proposal from KPH regrading additional effort to install underground pipe due to wet soil conditions.

MOTION, passed – To approve Contractor’s Application for payment No. 1 with deduction of \$35,327.80 for soil compaction;

Amerman moved, Peraza seconded. RCV; Motion carried unanimously.

MOTION, passed – To approve Moore Engineering Invoice 23759 for \$37,940.00 & 23760 for \$37,187.65;

Amerman moved, Peraza seconded. RCV; Motion carried unanimously.

- **7th Avenue Improvements:** Comstock Construction will begin week of June 8th or 15th. Tabitha/Rich will contact affected property owners to advise.
- **Viking Addition Dewatering Well (2nd Ave S):** Will move forward with project bidding, leaving the existing pump in place instead of replacing at this time.
- **Lift Station and Force Main Improvements – Phase 2 Wastewater Improvements:**
MOTION, passed – To approve Moore Engineering Invoice 23761 for \$1,767.50;
Stoddard moved, Spelhaug seconded. RCV; Motion carried unanimously.
- **Capital Improvements Plan:** Will need to work with Cass Rural Water on shared storage agreement.
MOTION, passed – To approve Moore Engineering Invoice 23758 for \$1,597.50;
Peraza moved, Amerman seconded. RCV; Motion carried unanimously.
- **Water Tower; Improvement District 2016-1:** 1-Year Correction Period inspections will be completed within the next month.
MOTION, passed – To approve Moore Engineering Invoice 23757 for \$1,202.50;
Stoddard moved, Amerman seconded. RCV; Motion carried unanimously.
- **Downtown Beautification & Sidewalks:** Moore will move forward with preparing an engineering proposal for study phase. Will meet/discuss with Mayor DuBord, CM Stoddard, and PWS Schock to review engineering proposal for study phase.

G. PWS

- Lagoon monitoring, discharging as needed.
- Fine tuning equipment lists.
- Attending webinars for continuing education credits.
- Flushing hydrants systematically.
- Working with Park Board Director Mike Brown on the pool and city park updates. Discussed removing the single flag pole near the pool and updating the veteran’s memorial flag poles. Will work on plan to remove the north-south sidewalk thru the middle of the park and turning into greenspace.

H. Finance: Budget season discussion. Need to approve preliminary budget for general fund at August 5th council meeting. Mayor DuBord encouraged CMs to be thinking of wants/dreams for our community; Amerman: tractor/payloader, Stoddard/DuBord: rec center.

I. Auditor Report

- Will add the May financials to the June 23rd special council meeting. As well as consolidating additional fund balances that have not seen revenues/expenses over last two years.
- Banyon set up is ongoing.
- A lot of time involved with building/fence permits and variances for P&Z meetings.

I. Council Reports:

- Spelhaug: With COVID pushing more employees into the “work from home” category, would like to continue using this as a “selling” point for our community as the board had previously discussed.
- Peraza: Verified clean up day is still scheduled for June 13th. Traffic issues in school zone on north truck route.

J. Mayor Report: Appreciate all CMs and their continued support and investment in our city.

ADJOURNMENT

**MOTION, passed – To adjourn meeting at 10:35pm;
Peraza moved, Spelhaug 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