

**KINDRED CITY COUNCIL - REGULAR MEETING MINUTES**  
**12-04-19 at 7:00pm at Kindred City Hall**

**MEETING CALLED TO ORDER AT 7:02pm by Mayor DuBord** with CMs Spelhaug, Amerman, Peraza, and Stoddard present. Also present: City Engineer Brandon Oye, City Attorney Sarah Wear, PWS Schock, and City Auditor Arnaud. Guests: John Smith, Mitch Calkins, Mark Ottis. Mayor DuBord began the meeting with the Pledge of Allegiance.

**APPROVE AGENDA**

**MOTION – To approve the revised agenda;**  
**Stoddard moved, Amerman seconded. RCV; Motion carried unanimously.**

**CONSENT CALENDAR**

**MOTION – To approve the Consent Calendar: council meeting minutes of 10-24-19, 11-06-19 regular and special, November 2019 bills and reports, Tax Exemptions on New Construction (509 & 510 Beechcraft Blvd) and Kindred Wildlife Club raffle permit.**  
**Stoddard moved, Spelhaug seconded. RCV; Motion carried unanimously.**

**2020 City Council Meeting Calendar:** January's regular-scheduled council meeting (Jan 1<sup>st</sup>) is the only conflict of the year by falling on New Year's Day. All council members were available on Jan 1<sup>st</sup>, so it was decided to leave the meeting date as January 1, 2020. *\*\*It was later discovered that meeting on a recognized holiday was against century code (NDCC 40-08-10) and the regular meeting was scheduled for Thursday, January 2, 2020.*

**BOARDS & COMMISSIONS**

- **Kindred Economic Development and Renaissance Boards:** Mitch Calkins, Lake Agassiz Regional Council discussed the basics of the Renaissance Zone program and Kindred's Development Plan. The city needs to establish a RZ committee that would review and regulate the RZDP and future applications. Tabitha will contact those that expressed interest and ask for their attendance to the January 2<sup>nd</sup> council meeting.

**COUNCIL BUSINESS**

**A. Old Business**

- **City Property: 521 Elm St:** Dakota Hills Electric provided notice to the city on 11-7-19 that they would be vacating the city-owned shop on 12-31-19. So as of January 1, 2020, the property will be vacant. Council discussed again listing the property with a realtor to sell the property instead or leasing again. Discussed current and upcoming zoning changes with the pending Downtown district. Topic tabled to January meeting.
- **Additional Public Works Staff:** Council reviewed current PWS and a draft PW Assistant job description since the last meeting. Discussed starting wages and benefits, and that CM Spelhaug and Amerman would help with the hiring and interviews.  
**MOTION – To approve advertising for a full-time public works assistant, starting \$18.00/hr;**  
**Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.**
- **Building Inspections/Permitting:** Due to West Fargo creating its own building inspections department, Moore Engineering has decided to dissolve their building inspections department and will no longer be able to provide this service to Kindred, or the other communities they have served (Casselton, Mapleton, Oxbow), effective December 16<sup>th</sup>. Any active permits issued prior to that date will still be continued and closed with ME. There have been a few other engineering firms that have approached the city to offer their inspecting services, and Cass County is also looking at options to fill the void. City Engineer Brandon Oye has been working to help Kindred and the other communities fill the need for this service with the short notice that was provided. Midwest Inspection Services (MIS) owners Mike and Jen Blevins were present to discuss their background and business. Mr. Blevins has signed a contract with ME to take over the inspections/permitting for Moore's communities. Casselton approved a 2-month trial with MIS and Oxbow is looking at a 6-month period. MIS would work with the City of Kindred and continue the same services that ME was already providing. Fee structures would remain the same and the routing of permits will begin to be routed thru City Hall, as it was intended to begin with ME. Kindred had ten new residential permits in 2018 & 2019, and a total of 30 permits in 2019 thus far.  
**MOTION – To approve 6-month contract with Michael Blevins, Midwest Inspection Services as Kindred's Building Inspector; Spelhaug moved, Stoddard seconded. RCV; Motion carried unanimously.**

- City Utility Billing Policy Update: After the motion was made last month to charge property owners the minimum utility fees regardless if the service was being used or not, Tabitha compiled a list of those properties that would be affected. Discussed that if the property has the service lines off the city's main that could constitute the minimum fees being charged because the infrastructure is readily available to the property, and whether the policy should refer to the curb stop or if there is a line off the main? Council would like more time to research the topic and properties, tabled to January 2020.

#### B. New Business

- Cass County Multi-Hazard Mitigation Plan: Mitch Calkins, LARC reviewed the CCMUMP with council. This is a plan the county puts together for the ND Dept of Emergency Services that lists each communities' vulnerabilities and mitigation actions. Kindred's MAs include a new levee south of Hwy 46 and backup generators for three lift stations that would address flooding concerns. Adopting the CCMHMP allows the city the option to apply for FEMA/grant funding to assist with the projects.

**MOTION – To approve the Cass County Multi-Hazard Mitigation Plan resolution; Spelhaug moved, Amerman seconded. RCV; Motion carried unanimously.**

- Downtown Zoning: Mitch Calkins, LARC presented a draft downtown district zoning ordinance that would be applied to properties in an identified area of downtown Kindred. Utilizing the ND Main Street Initiative, this draft encourages multiuse environments and pedestrian walkability to create vibrancy and community in the downtown area. Mr. Calkins met with the P&Z board in November to review the draft zoning as well, they discussed permitted uses, setbacks, and parking requirements. Discussion regarding when the new zoning regulations could be in effect and the responsibilities of current/new owners.

- C. Pool: The damaged pool tarp was covered by insurance and the new replacement cover arrived and was installed in November. Mike Brown and Rich Schock installed the cover with additional "support" straps to assist with weight of snow. One bolt was pulled out of the anchor and now the tarp is sagging a bit due to accumulated snow. Mike and Rich plan to remove some of the snow and contact the manufacturer to determine if this is cause for concern and what the weight limit is of the cover.

- D. Assessor: Tabitha reported that some of the 2019 special assessments were not added onto the 2019 property tax statements from Cass County. She had attached the wrong spreadsheet to the email when sending in the special assessments. After speaking with the county, they stated that they could still get the special assessments added and reprint the property tax statements for those affected. A total of 26 parcels, including the 2017-1 NPR Ph 3 6<sup>th</sup> Addition were missed. The Elm St sidewalk assessments were processed properly.

- E. Marketing: Mayor DuBord shared the gift of a hand-made pen given to city staff as a thank you for their involvement and efforts put into our community. He had hoped to use one of the large trees taken down with the Elm Street project but that wood was too new to be used. Instead, the pens were made out of an American Elm wood salvaged from a storm-damaged tree that had to be removed from the North Dakota state capitol grounds. American Elm is the ND state tree.

- F. Police: Deputy Koerber presented the November 2019 report with 17 calls for service, as follows: 5-medical; 1-traffic complaint; 3-animal call; 5-public assist; 1-juvenile complaint; 1-suspicious. Encourages residents to use dispatch to report reckless drivers, instead of notifying others later on. Tabitha provided a copy of the 2020 Cass County Policing Contract with the Sheriff's Department. The \$1495.00 annual increase was already budgeted into the 2020 funds.

**MOTION, passed – To approve the 2020 Cass County Sheriff's Service Agreement; Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.**

#### G. Engineering:

- **Water Tower; Improvement District 2016-1**: Project punch list was reviewed with only a few corrective items remaining, ME would now consider the project substantially complete as of 11-3-19. Discussion of liquidated damages and a quote of \$500 to install a sun tracker timer on the tower lights, as well as a delay in formal approval of the previously presented contract change order #5 (time extension) due to the soil contamination documents not being signed by the contractor.

**MOTION, passed – To approve Certificate of Substantial Completion (11-03-2019); Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.**

**MOTION, passed – To approve Contract Change Order No. 5 for time extension; Peraza moved, Stoddard seconded. RCV; Motion carried unanimously.**

**MOTION, passed – To approve Contractor’s Application for Payment No. 18 requesting \$148,390.63, retaining \$116,500.00 for liquidated damages, total payment \$31,890.63; Stoddard moved, Spelhaug seconded. RCV; Motion carried unanimously.**

**MOTION, passed – To approve Moore Engineering Invoice 22563 for \$5,967.85; Spelhaug moved, Stoddard seconded. RCV; Motion carried unanimously.**

- **Wastewater Treatment Improvements:** Land appraisal by RM Hoefs & Associates is complete: 26.5-acre value \$133K, 33.3-acre value \$167K. Next is to meet to discuss an offer, work Ms. Wear to create a purchase agreement, the city would then make an offer to the landowner and proceed into negotiations. 90% plan review meeting with PW committee is scheduled on Dec. 13<sup>th</sup> at ME offices. Cultural resources survey results should be completed mid-Dec. Bidding could begin in February, pending a signed purchase agreement for the land.

**MOTION, passed – To approve Moore Engineering Invoice 22597 for \$34,445.00; Amerman moved, Peraza seconded. RCV; Motion carried unanimously.**

**MOTION, passed – To approve RM Hoefs & Associates Invoice 2238 for \$4,255.00; Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.**

- **Newport Ridge Phase 4:** The Engineer’s Report was presented for the next phase of the NPR development (Project 2020-1) that would add an additional 24 lots extending Cessna Ave North and to the East. The additional lots on the “hanger home” taxiway would not be hanger homes so a fence is included in the project to ensure those properties do not have airport access. Properties located along the northern boundary will be deeper lots and will abut the private airport greenspace, so developers are working with Ms. Wear to create a SFRA-3 zone that would allow detached accessory structures in the rear yard, something that is not allowed in other lots within the NPR development. After resolutions are approved a 60% plan meeting with the PW committee will take place on Dec.13<sup>th</sup> at ME offices.

**MOTION, passed – To approve resolutions: creating improvement district, directing engineer to prepare report, approving report, and directing engineer to prepare plans and specs; Spelhaug moved, Stoddard seconded. RCV; Motion carried unanimously.**

- **7<sup>th</sup> Avenue Improvements:** Asplin Excavating wanted assistance with staking. Mr. Oye met with Spelhaug and Schock to discuss realignment of street. Would be reclaiming a portion of street right-of-way that one property owner currently uses for parking space. City will contact that owner to inform them of the realignment of street.

**MOTION, passed – To approve Moore Engineering Invoice 22600 for \$4,216.80; Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.**

- **Viking Addition Dewatering Well (2<sup>nd</sup> Ave S):** Survey of area was completed, will work on options over the winter months and present in spring.

**MOTION, passed – To approve Moore Engineering Invoice 22599 for \$2,895.00; Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.**

- **Downtown Beautification and Sidewalks:** NDDOT program has grant funding available but need a project plan in place to submit with any applications. ME will begin working on a proposal for layouts and estimates.

- **Capital Improvements Plan:** Possible development in SW area of city needs water and sewer availability options. ME can put together options/study. Looking to schedule Vision Document Scoping Meeting in Jan 2020 to review CIP, noting that park improvements can be added to this plan as well.

- **Building Inspections Agreement:** Discussed in Old Business.

#### G. PWS

- Thank you to Mark Ottis and Brandon Kub for their help with snow removal during this last snowfall. New snowblower has not yet arrived from manufacturer, scheduled for Friday this week. Spent time in the shop ahead of this storm to attach the old “backup” blower to the new tractor, used it for a few hours then the drive shaft broke in half; that replacement will not arrive until next Tuesday. With no blowers, were forced to blade the

streets and create snow piles to be hauled out. Much more time intensive, less efficient. RDO usually clears the City Park sidewalks and MB areas using a bobcat bucket, but the ground was not frozen and they tore up the grass when doing their portion of sidewalk so were cautious and did not want to damage the city properties. Rich asked another person with a blower-attached skidsteer to take care of it this time due to the circumstances. Rich received quotes on a 6-foot and 7-foot blower attachment for the city skidsteer, which would make quick work of the City park sidewalks and MB areas, and could be used to clear the sidewalks at City Hall as well.

**MOTION, passed – To approve purchasing a skidsteer snowblower attachment, up to \$6500.00; Amerman moved, Peraza seconded. RCV; Motion carried unanimously.**

- Scheduled a meeting with MLGC regarding security camera systems for the city shop areas.
- Still having issues with residents blowing or pushing snow into the city streets after they have been cleaned.
- Snow piles are already larger than they were last spring. Ok to start moving them out.
- Lagoon was discharged twice this fall and hoped to have enough capacity for winter, but levels were up again. Will keep watch and check pump run times for lift stations.
- Still working thru equipment lists for selling, trading, or upgrading.

I. Auditor Report

- Office closures: December 24 & 25 for Christmas, January 1<sup>st</sup> for New Year's Day.
- All of the above items.

J. Council Reports: None.

K. Mayor Report

- Thanks again to City Council and staff for their efforts over the last year!

**ADJOURNMENT**

**MOTION, passed – To adjourn meeting at 10:05pm;  
Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.**

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

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**Tabitha Arnaud, City Auditor**

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**Jason DuBord, Mayor**

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**Date approved**