

**KINDRED CITY COUNCIL - REGULAR MEETING MINUTES**  
**09-02-2020 at 7:00pm – Kindred City Hall**

**MEETING CALLED TO ORDER AT 7:00pm** by Mayor DuBord with CMs Spelhaug, Stoddard, and Peraza present. Absent: CM Amerman. Also present: City Engineer Brandon Oye, City Attorney Sarah Wear, PWS Rich Schock, City Auditor Tabitha Arnaud, Municipal Judge Dona Schock, Jan Russell, Marlowe Rud, & Adam Mund.

**APPROVE AGENDA** – Add Street Light Improvements and Trees & Boulevards to New Business

**MOTION – To approve the agenda with revisions;**

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

**CONSENT CALENDAR**

**MOTION – To approve the following consent calendar items: City Council meeting minutes of 08-05-2020, August 2020 financials and unpaid bills report, Raffle Permits for ND High School Rodeo Association;**

**Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.**

**BOARDS & COMMISSIONS** – Update on Renaissance Zone Development Plan: Committee meets again next week.

**COUNCIL BUSINESS**

A. Old Business

- PUBLIC HEARING/2<sup>nd</sup> Reading for Ordinance 2020-81: Revisions to Conditional Permitted Uses within General Commercial District and Setbacks for Accessory Structures: Mayor DuBord opened the public hearing. No changes made since last month. No further discussion, Mayor DuBord closed the public hearing.

**MOTION – To approve 2<sup>nd</sup> reading of Ordinance 2020-81;**

**Spelhaug moved, Stoddard seconded. RCV; Motion carried unanimously.**

- Ordinance Chapter 11-01 Chickens/Farm Animals: Mayor DuBord, CM Stoddard, and Judge Schock worked together to create a draft ordinance providing guidance and regulations on continuing to allow chickens and hen pheasants within city limits. Discussion on permit and fencing requirements, and quantity allowed which was set at six total birds. Council can approve this 1<sup>st</sup> reading, while having the ability to make additional changes up to the 2<sup>nd</sup> reading which can be scheduled for the October council meeting. Once 2<sup>nd</sup> reading is approved, publishing is required due to included penalties, then it would be legally binding.

**MOTION – To approve 1<sup>st</sup> reading of Ordinance 2020-84 relating to chickens, domestic fowl, and farm animals; Spelhaug moved, Stoddard seconded. RCV; Motion carried unanimously.**

B. New Business

- City Ordinance Discussion: Chapter 2-0119 - Driveway Width: According to this ordinance, all residential driveways cannot be more than 30 feet wide at the sidewalk line. It was brought to our attention that most driveways in the Newport Ridge development are already over this maximum, in part due to the covenants requiring a 3-stall garage. Developer Marlowe Rud shared that it would make sense to update the city ordinance to reflect the extra driveway width for NPR residences, especially since the lots are wide enough to accommodate. Discussion on verbiage in Casselton's ordinances, whether to identify specific zoning district or base maximum on percentage of lot.

**MOTION – To approve 1<sup>st</sup> reading of Ordinance update to Chapter 2-0119 adding SFRA-zoned properties a maximum driveway width of 36 feet;**

**Spelhaug moved, Stoddard seconded. RCV; Motion carried unanimously.**

- Liquor/Beer License Application: Hawk's Market owners have applied for a new liquor/beer license to provide off-sale of alcoholic beverages at the grocery store. A remodel would create a separate off-sale area in the rear. Once the final piece of the application is received, notice needs to be published for the meeting with council. Could potentially do this at a special meeting or at the October meeting.
- Street Light Improvements: Over the past year or so, CM Stoddard has been working with Ottertail Power Company to acquire new/updated street lights on Elm Street. Through some management changes at OPC, the offer to upgrade at a discounted/free rate has wavered. Kindred's local OPC service rep has also continued to work with his company and an agreement has been made to remove 12 current street lights and install 21 new lamp (lantern-style) posts on Elm Street from County Hwy 15 to downtown. OPC will cover all costs, including boring the electrical underground. CM Stoddard helped with identifying placement of the new lights, noting there is one tree that will need to be removed.

**MOTION – To approve removal of one tree and installation of 21 new light posts;**

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

- Trees & Boulevards: With the discussion on street light improvements and planting of new trees on Elm Street, the idea of when trees are allowed in the boulevard was brought up. City Ordinance Chapter 3-02 on Boulevards (3-0205) outlines that boulevard care is the responsibility of the abutting property owner and that placement of any gravel, pavement, other hard surfaces/landscaping, trees/shrubs/plants in the boulevard need to make a written request to city council for approval. Chapter 3-03 on Trees outlines that street tree species are to be identified, however a property owner can provide a written request for any species not on the list.

C. Planning & Zoning: Variance request approved at last meeting for additional ground coverage and height on a new accessory structure at 140 Linden St.

D. Pool/Park Board: Thank you to the Park Board staff and volunteers for the installation and rehab of the bubble jungle gym at City Park! It looks great!!

E. Police: Deputy Beckius provided the August 2020 report with 31 calls for service as follows: 3-medical; 3-animal calls; 10-public assist; 3-traffic complaint; 1-domestic; 1-reckless driving; 1-fire assist; 1-accident; 3-alarm; 1-welfare check; 1-burglary; 1-impaired driver; 1-harrasment; 1-juvenile complaint. Deputy Beckius shared that the stop signs and trader trailer seemed to improve traffic concerns on Dakota St; CM Peraza & Stoddard agreed. Increased golf cart traffic has raised concerns due to younger drivers and seeing many younger/infant passengers. Discussion regarding legalities of off highway vehicles and enforcement. Golf carts are not legal on streets/highways under state laws. Communities that have golf courses have special ordinances that allow them "from residence to course, using shortest distance possible". Off highway vehicles are only legal on streets if registered, insured, and has working lights/signals. City would like to work with Cass Co Sheriff's Department on educating residents and taking a common-sense approach. Preferably drivers should be licensed and passengers should remain seated. Use of any motor vehicle on the bike paths or sidewalks is posted as prohibited. Deputy Beckius also shared that Cass Fargo Emergency Management's CODE RED system has been replaced with Cass Clay Alerts for emergency alert services. Users must re-register at [www.cassclayalerts.gov](http://www.cassclayalerts.gov) or call 701-476-4068 for more information. The City will post to our website and send info to residents via email and newsletter.

F. Engineering:

- **Wastewater Treatment Improvements; Sewer Improvement District 2019-1**: Soil borings have been completed at the two identified potential sites for the new lagoon west of town. After meeting with the PW committee on 7/28/2020, engineer's recommendation is to make an offer on the Braaten property in part due to quality of soil samples and additional due to the larger amount of acreage available for construction staging. Would look to purchase 50 acres for lagoon site, possibly reduce to 45 acres with drain easements; additional 31 acres would be temporary construction easement and could be sold after project completion to highest bidder. Abutting farmer has expressed interest in the additional acreage. Discussion on purchase agreement options: \$11K-\$13.5K/ac, tax incentives for "donated" land to city, \$300/ac for temporary easement. Land owner is very motivated and interested in selling whole 81 acres, not only 50 acres needed. Preliminary visits with surround landowners and tenants had no major objections to project, and township stated that a conditional use permit for the lagoon should be agreeable, would just need special meeting for public hearing.

**MOTION, passed – To approve initial offer to David Braaten of \$311,800 for purchase of 50 acres and temporary easement of 31 acres, not to exceed \$400,000;**  
**Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.**

**MOTION, passed – To approve Farmer's National land appraisal up to \$2,000;**  
**Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.**

**MOTION, passed – To approve Beaver Creek Archaeology proposal of \$3,000 for cultural resources survey;**  
**Stoddard moved, Spelhaug seconded. RCV; Motion carried unanimously.**

Wetland delineation to be completed inhouse by Moore under current contract.

**MOTION, passed – To approve Moore Engineering Invoices 24309 for \$37,803.40 & Invoice 24636 for \$6,831.55;**  
**Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.**

- **Newport Ridge Phase 4; Improvement District 2020-1 & Water Looping Project 2020-2**: The airport runway lights are now operational; soil compaction has improved; additional material may be needed.

**MOTION, passed – To approve Moore Engineering Invoices 24639 for \$5125.00 & 24638 for \$3719.90;**  
**Spelhaug moved, Stoddard seconded. RCV; Motion carried unanimously.**

- **7<sup>th</sup> Avenue Improvements:** Contractor has not requested a final CAP; Moore will review when received.
- **Viking Addition Dewatering Well (2<sup>nd</sup> Ave S):** Virtual bid opening is scheduled for tomorrow, 9/3/2020. Pushed completion date to mid-2021 to encourage more contractors to bid/reduce expenses.  
**MOTION, passed – To approve Moore Engineering Invoice 24664 for \$692.50; Peraza moved, Stoddard seconded. RCV; Motion carried unanimously.**
- **Lift Station and Force Main Improvements – Phase 2 Wastewater Improvements:** No update.
- **Capital Improvements Plan:** Public Works Committee and Cass Rural Water scheduled for 9/18/2020.  
**MOTION, passed – To approve Moore Engineering Invoice 24637 for \$1823.50; Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.**
- **Water Tower; Improvement District 2016-1:** Maguire Iron has corrected defective work identified with KLM's 1-year inspection. Grass growth is still not established to level of approval; was not watered properly according to project plans. \$7K was requested with CAP #21; suggest reduction to \$5K, retaining \$2K for grass.  
**MOTION, passed – To approve Contractor's Application for Payment No 21 for \$5000 and adjustment to Final Balancing Change Order No 7 reducing contract by additional \$2000; Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.**  
  
**MOTION, passed – To approve Moore Engineering Invoice 24635 for \$3703.50 and set of compliance certification documents as presented; Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.**
- **Alley Survey:** Moore presented a revised alley survey proposal to find pins in two blocks of the Spruce/Elm alleyway. These areas have had the greatest concern with trees and alley maintenance. Proposal maximum estimate includes \$4900 for locating, \$1000 for setting pins, and \$1500 for encroachments.  
**MOTION, passed – To approve Moore Engineering alley survey proposal up to \$7500; Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.**
- **5<sup>th</sup> Ave N Sidewalks:** On hold.
- **Downtown Beautification & Sidewalks:** After meeting with a few council members and city staff in July, August, & September, Moore presented a preliminary concept /vision plan and draft exhibit to provide downtown upgrades. Overall thoughts are to try to encourage walkability by creating new/larger sidewalk spaces, possibly a "plaza" type area in the "triangle" lot across from grocery store. Discussion on scope of project, overall plan and objectives, and basis of proposal. Moore would assist with a multi-year process of conducting meetings with city officials; stakeholder meetings with school, park districts, businesses, etc; reviewing underground utilities for possible upgrades prior to new sidewalks/street work being completed; implementing pop-up demonstrations to "test" upgrades ahead of full project; attending Kindred Days event to assist with gaining public input; preparing cost estimates and project plans (having these ready now, will allow for quicker response for submission when funding opportunities arise).  
**MOTION, passed – To approve Moore Engineering downtown improvements proposal up to \$27,800; Stoddard moved, Peraza seconded.**  
Discussion on benefits for expense: aesthetics, more inviting spaces, areas for residents to gather, increase business involvement/upgrades, options to obtain grant funds.  
**RCV = NO: Spelhaug, YES: Stoddard & Peraza; Motion carried.**

#### G. PWS

- Scheduled for Water Distribution exam in Bismarck on Sept 29<sup>th</sup>
- Lead and Copper water testing samples are scheduled for next week, Sept 8-10. State selected residences have received notice of dates and will collect samples for City to send in.
- Traffic improvements have made a difference. Big thanks to CCSO, Deputy Beckius, & Deputy Moon!
- Continuing discussion on sidewalk and crosswalk improvements on Dakota St and 5<sup>th</sup> Ave N, trying to set meeting with school.
- Reviewing list of city equipment/assets and researching best routes for liquidation of unused pieces.
- Reviewing ordinances as time allows for possible updates or further discussion.

H. Finance: Final budget hearing for general fund/county budget to be held at October 7<sup>th</sup> council meeting.

I. Auditor Report

- New Deputy Auditor has been working about 3 weeks and is doing really well. May look at changing public office hours in the future.
- Working thru a Moving Building Permit Application, and ordinance, for new tenant at the mobile home park. They are looking to move a trailer home from West Fargo to a vacant lot at the MH Park in Kindred. Once permit and all items are submitted, a public hearing will be scheduled with P&Z, then to city council for final approval.
- Building Official Mike Blevins has completed a preliminary inspection of a dangerous building and has a notice ready to issue. Attorney suggested verification from city council to proceed. Mitigation can get costly if owner is unresponsive, but council was in agreeance to move forward.
- A few building permit applications have been submitted and are ready to issue to contractors for new residential construction in the newest phase of Newport Ridge. Problem is that the NPR 7<sup>th</sup> Addition contractor, KPH, is running behind schedule resulting in roads and water/sewer infrastructure not being in place yet. Discussion with Moore, council, and co-developer Marlowe Rud on when to allow new residential construction to begin: No excavation/construction should begin until engineer provides “green-light” on project allowing safe/clear access to the new lots.

J. Council Reports:

- Peraza: Working with employer, Home Depot, on community project funding/donation programs that could assist with beautification or upgrade projects to parks or community grounds. Will contact Park Board to advise of the programs as well.

K. Mayor’s Report: Shared that he is interested in starting a committee to discuss/create a recreation/community center. Looking for interested residents or parties to help research facilities/funding. PWS Schock shared the process used for the Kindred Fire Hall expansion/upgrade; suggested engaging an architect/builder, possibly knowledgeable in the USDA community facility funds program that offers low interest rate loans to non-profits or governmental agencies.

**ADJOURNMENT**

**MOTION, passed – To adjourn meeting at 10:16pm;  
Stoddard 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**