

**KINDRED CITY COUNCIL - REGULAR MEETING MINUTES**  
**11-04-2020 at 7:00pm – Kindred City Hall**

**MEETING CALLED TO ORDER AT 6:56pm** by Mayor DuBord with CMs Spelhaug and Peraza present. Absent: CM Amerman and Stoddard. Also present: City Engineer Brandon Oye, City Attorney Sarah Wear, PWS Rich Schock, City Auditor Tabitha Arnaud, Building Administrator Mike Blevins, Deputy Tyler Beckius, Lisa Anderson, Marlowe Rud.

**APPROVE AGENDA**

**MOTION – To approve the agenda; Peraza moved, Spelhaug seconded. RCV; MCU**

**CONSENT CALENDAR**

**MOTION – To approve the consent calendar items: City Council meeting minutes of 10-07-2020 & 10-22-2020; October 2020 financials and unpaid bills report; Tax Exemption on New Construction for 514 & 518 Beechcraft Blvd; Raffle Permits for SE Ducks Unlimited, Friends of Kindred Public Library, & St. Maurice Catholic Church; Peraza moved, Spelhaug seconded. RCV; MCU.**

**BOARDS & COMMISSIONS**

- A. Renaissance Zone Development Plan: The council approved RZ Development Plan was sent to Cass County Commission and Kindred School District with a request for letters of support. These are required by the ND Commerce Dept in order for the RZDP to receive final approval. Tabitha will contact each to see if they have any questions. RZ Committee does have one vacancy with Pastor Andrew Schlecht moving. One resident has inquired since noting the vacancy in our recent newsletter. Mayor DuBord has spoke to another resident as well. We will await the formal approval from the state before proceeding with appointments.
- B. Kindred Public Library: KPL Director Lisa Anderson presented the annual report to council. 2020 has presented many challenges and the library has had to adapt their services. Along with the COVID safety precautions, they have restructured their hours of operations and moved to providing curbside pickup for patrons. Fund raising is coordinated by Friends of Kindred Public Library and they are using social media to promote raffle ticket sales that would be typically done inside the library on specific dates. Ms. Anderson stated that the Library appreciates Mayor DuBord and CM Peraza attending their meetings and working with the City to send out library events to city residents has helped getting patrons to their events. Current and upcoming year challenges were discussed: acquiring additional volunteers, updating membership database, reviewing options for wifi upgrade. Library is open to requests from members on COVID response and variable hours. Last year KPL requested assistance from the city for snow removal services and council approved a reimbursement of these services up to \$2500 for the 2019-2020 season; only \$716 was paid out for the season. The reimbursement request was sent to the city and on this month's financials for payment to KPL. Ms. Anderson again requested the same assistance for the upcoming 2020-2021 snow season.

**MOTION – To approve reimbursement of snow removal services up to \$2,500.00 for the 2020-2021 winter season to Kindred Public Library; Peraza moved, Spelhaug seconded. RCV; MCU.**

**COUNCIL BUSINESS**

A. Old Business

- 2<sup>nd</sup> Reading for Ordinance 2020-84: Revisions to Chapter 11-01 – Chickens, Domestic Fowl, Farm Animals: Discussion of changes made since 1<sup>st</sup> reading. Registration of chickens with the city will be required, as well as a coop that is regulated under the building permit regulations.

**MOTION – To approve 2<sup>nd</sup> reading of Ordinance 2020-84 on Chapter 11-01; Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.**

- Street Light Improvements: With additional work that arose this fall, Ottertail Power Company has said the project will likely be pushed out to 2021. Discussion of the style of LED lantern light fixtures.

B. New Business

- Kindred Zoning Map: At the August & September P&Z meetings review of the newest draft zoning maps noted a discrepancy of including a quarter-quarter section of the City's Extra Territorial (ET) district in the far SW corner that includes part of a parcel belonging to Rustad's Gravel. A 2010 zoning map that has been used by previous P&Z ET representative Mark Erickson did not include this quarter-quarter, while the newest version does include it. City Engineer Brandon Oye and the MEI team helped identify that this quarter-quarter is in fact a majority within the ½ mile ET boundary (20.4 acres of a 35.7 quarter-quarter = 57% within). According to NDCC 40-47 the city's zoning regulations may be enforced on this quarter-quarter. Council agreed that it should be included. There is no current activity within this area that is driving this discussion, it is simply to clarify the zoning map. If any construction or change of ownership were to occur in this area, building permits and zoning regulations would fall under the City of Kindred's jurisdiction.

- C. Planning & Zoning: Mark Erickson submitted his resignation from the board as the ET rep on October 21<sup>st</sup>. Tabitha contacted the Cass County Commission so they could begin reviewing the application submitted by Kindred ET resident Christina Woller-Cornog who had expressed interest in sitting on the board. On November 2<sup>nd</sup>, Tabitha shared emails with Cass County Commission regarding Christina's county of residence. Her property is located within the City's ET boundary; however, it is also within Richland County, not Cass County. Cass County Commission/staff are reviewing this further before making a final decision on the matter.
- D. Building Inspector/Code Enforcement: Building Administrator Mike Blevins reported that there has been exciting growth in Kindred during his first year as Building Official. He has issued 37 building permits so far in 2020, including 3 in Phase 4 of Newport Ridge. Dangerous building notices were issued to two properties belonging to one owner, 931 Elm St and 190 5<sup>th</sup> Ave N. The owner was responsive to the notices and acquired building permits for both locations. Mike met with him to discuss what items needed improvements, but recently Mike has been unable to make contact. Work to cover OSB that is questionable and should be replaced appears to be ongoing. Discussion on following up with another written notice to stop work until inspection meeting can be held.
- E. Pool/Park Board: Discussed meeting with the PB to review the end of the 2020 season for pool and park maintenance. Council would like to meet as a group with the full board if possible, instead of trying to handle those discussions with only one rep at each other's monthly meetings. Tabitha will coordinate with Mike Brown on this. Mayor DuBord inquired on timeframe of PB maintenance of City Park and responsibility of the fallen leaves. Rich will discuss with Mike on Friday when they are scheduled to help install the pool safety cover. Also discussed snow removal at City Park which City Public Works staff has on their list.
- F. Police: Deputy Beckius presented October 2020 report with 38 calls for service as follows: 3-medical; 2-animal calls; 21-public assist; 1-gas drive off; 1-disturbance; 2-reckless driving; 1-fire assist; 1-accident; 1-suspicious; 1-welfare check; 1-domestic; 1-theft; 1-alarm; 1-fraud. Deputy Tyler has had discussion with PWS Rich on the signage at the intersection of Rustad Dr and Sheyenne St. The mix of yield and "stop ahead" signage is misleading for who has the right-of-way. With increased traffic and population, it is suggested to give Sheyenne St the right-of-way going East and West, and Rustad Dr should stop.
- MOTION, passed – To add stop sign at Rustad Dr providing right-of-way to Sheyenne St traffic; Spelhaug moved, Peraza seconded. RCV; Spelhaug = No, Peraza = Yes, DuBord = Yes; MC.**
- MOTION, passed – To approve 2021 Cass County Sheriff Policing Contract; Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.**
- F. Engineering:
- **Wastewater Treatment Improvements; Sewer Improvement District 2019-1**: MEI/PW committee sat in on Woodlawn HOA meeting to discuss with them the need for locating and extending their force main to a new service point. Davenport Township approved the Conditional Use Permit on 10/29/2020. Soil borings were done today; report will provide more information on the current unknowns of the type and quantity of clay which will help determine the full extent of project cost estimates. Have been working with PW committee on various options for routing the new force main, looking to find the path of least resistance and expense. Will need to begin approaching landowners along the township road to the lagoon to acquire utility easements; discussed price ranges from previous projects, noting \$2K-\$4K for permanent and \$300-\$600 for temporary.
 

**MOTION, passed – To approve force main easement offers starting at \$1500 for permanent and \$300 for temporary; Spelhaug moved, Peraza seconded. RCV; MCU.**

**MOTION, passed – To approve temporary construction easement of \$300/acre/year to Torgerson's for 20 acres; Spelhaug moved, Peraza seconded. RCV; MCU.**

**MOTION, passed – To approve quote for \$7,650 from Beaver Creek Archeology for Cultural Resources Survey; Spelhaug moved, Peraza seconded. RCV; MCU.**

**MOTION, passed – To approve Helbling Auctioneers Inv 1280 for \$750.00, Braun Intertec Inv B230021 for \$7,217.75, & Moore Engineering Inv 25205 for \$11,511.75; Peraza moved, Spelhaug seconded. RCV; MCU.**
  - **Newport Ridge Phase 4; Improvement District 2020-1 & Water Looping Project 2020-2**: Project is close to substantial completion inspection. Change Order #3: due to undercut under road, had to haul in additional materials, Mr. Ottis approved the change order as is presented.
 

**MOTION, passed – To approve Contract Change Order No 3 for \$74,320.00; Spelhaug moved, Peraza seconded. RCV; MCU.**

Contractor Application for Payment #4 submitted for \$261,804.71. Engineer recommendation to withhold \$8,845.50 due to no compaction tests on water main loop trench.

**MOTION, passed – To approve Contractor’s Application for Payment No 4 for \$252,959.21; Peraza moved, Spelhaug seconded. RCV; MCU**

**MOTION, passed – To approve Moore Engineering Invoices 25210 for \$19,235.00 and 25204 for \$3,005.00; Peraza moved, Spelhaug seconded. RCV; MCU**

- **7<sup>th</sup> Avenue Improvements:** Project is complete!
- **Viking Addition Dewatering Well (2<sup>nd</sup> Ave S):** Will continue to work with Rich over the winter if assistance is needed. Rich will seek out a quote for the smaller scale repairs from contractors independently to see if projects costs can be kept low to avoid special assessment of project.
- **Lift Station and Force Main Improvements – Phase 2 Wastewater Improvements:** Will be added to the lagoon project instead of being separated.
- **Capital Improvements Plan:** Public Works Committee and Cass Rural Water meeting scheduled for Nov. 20<sup>th</sup>.
- **Water Tower; Improvement District 2016-1:** The 1-year inspection has been completed with no issues found. ME will work on closing out the project with funding agencies.  
**MOTION, passed – To approve Moore Engineering Invoice 25182 for \$1487.50; Spelhaug moved, Peraza seconded. RCV; MCU.**
- **Alley Survey:** Final invoice for completed drawings.  
**MOTION, passed – To approve Moore Engineering Invoice 25197 for \$641.65; Peraza moved, Spelhaug seconded. RCV; MCU.**
- **Downtown Beautification & Sidewalks:** Additional discussion/meetings with CM Stoddard on sidewalk options. CM Stoddard was going to try to talk with property owners to get feedback.  
**MOTION, passed – To approve Moore Engineering Invoices 24840 for \$9577.50 and 25200 for \$1142.50; Peraza moved, Spelhaug seconded. RCV; MCU.**

#### G. PWS

- Moved snow last week, only 4” on west side of town but 12” in Newport Ridge. Discussed snow fencing.
- Payloader was delivered on October 30<sup>th</sup>. Works very well!
- Manhole inspections being completed, expressed a need for gas monitoring safety equipment.

H. Attorney: Thank you to Sarah Wear for extra work on ordinance revisions over the last few months!!

#### I. Auditor Report

- Kindred State bank loan for payloader has been completed.
- Special Assessments were sent to Cass County Auditors to be updated on the 2020 tax statements.
- CARES Act funding for law enforcement reimbursements: ND approved \$1.25 billion to reimburse cities and counties for up to 71% of payroll related law enforcement expenses for Mar-Dec. Those communities that contract these services with their county were to not request the funds from the state or county and told that the county would pass along the reimbursements based on the contracts. Horace, Mapleton, Casselton, and Kindred contract with Cass County Sheriff’s Department for policing. Horace formally requested the funds from Cass County Commissioners and the County will be reviewing the requests and other contracted communities at their upcoming meeting on 11-16-2020. If the County agrees, Kindred could see a reimbursement of \$24,787.31 for 71% of the 2020 contracted rate of \$34,911.70. We will wait for their decision.
- Mobile Home Park property responsibility has been taken over by the late owner’s family. They have asked the City to consider billing each lot tenant individually for the city utilities. Owner’s family understands there will still be a fee for the master meter at the park and the owner is still responsible for all private service lines/meters pass the curb stop/main. They agreed to upgrade all water meters at each lot to the radio read meters and Tabitha verified with utility billing software that these 13 meters can be entered into the system and usage tracked against the master meter readings. Any loss of metered water will be billed to the park owner’s account.
- Working on annual property insurance policy renewals for December.
- An independent operator of Herbal Life Nutrition stores has expresses interest in renting a city facility (City Hall or Memorial Building) to set up a location in Kindred. Hours would be flexible and work around other facility

users. Council stated the idea could be considered and suggested the interested parties could plan to attend a council meeting to discuss in person with the board.

- Tabitha was informed that the caretaker of the “Welcome to the City of Kindred” signs on north and south County Hwy 15 will no longer be able to care for them. As they were constructed by the Kindred Lions sometime ago and the Kindred Lions have now disbanded, it may be time to look at replacing the signage or investing in refurbishing them.

K. Council Reports:

- Spelhaug: Has had additional phone calls and contact on possibility of natural gas supply (MDU) coming through our area. They are looking to get a 40% buy in from city residents/businesses to make it feasible.
- Peraza: Would like to keep the discussions moving for the recreation/community center options, looking at locations options within the city to utilize.

L. Mayor’s Report: Has learned of a new family that moved to Kindred from Nebraska. They did extensive research of surrounding communities when deciding to move to ND. It came down to Kindred and Hillsboro, but they found Kindred to be the winning community!! They are very excited to be a part of our community now! This is great news for our city regarding what we have to offer to new residents or businesses and how we can consider marketing our community.

**ADJOURNMENT**

**MOTION, passed – To adjourn meeting at 9:13pm;  
Peraza moved, Spelhaug 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**