

**KINDRED CITY COUNCIL MEETING MINUTES**  
**Wednesday, August 3, 2022 ~ 7:00pm ~ Kindred City Hall**

**MEETING CALLED TO ORDER AT 7:01pm** by Mayor Kersting, CMs Spelhaug, Johnson, and Peraza present. Absent: CM Stoddard. Others present: City Attorney Sarah Wear, City Engineer Brad Muscha, PWS Rich Schock, Auditor Tabitha Arnaud, Building Administrator Mike Blevins, Cass County Sheriff's Deputy Bryce Noonan, Kerri Whipple, Lydia & Joel Ronningen, Dona Schock, Mark Ottis, John Hertsgaard, Jamie Swenson. Kindred Public Library Members/Friends/Representatives: Lisa Anderson, Jen Guzik, Linda Otterson, Connie & John Andvik, Jim Pearson, Sara Anderson, Georgia Berg, Bethany Johnson, Jackie Johnson.

**APPROVE AGENDA:** Add event permit to 3Li and Water Reservoir Land to J.

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

**Spelhaug moved; Peraza seconded. RCV (Roll Call Vote); MCU (Motion Carried Unanimously).**

**COUNCIL BUSINESS**

**A. Boards & Committees**

- **Kindred Public Library:** Lisa Anderson and Jen Guzik presented the Kindred Public Library (KPL) 2021 Annual Report highlighting all that the Library has to offer the community. "More than just books", KPL also offers access to audio books and DVDs, electronic books, audio books, magazines, and ND State Library databases; computer, printing and wifi service; document shredding services; and two Little Free Libraries. Many programs and events were held throughout the year with KPL serving over 2200 visitors and holding 339 memberships. KPL is 100% volunteer organized by the Library Board of Directors and Board of Trustees, with additional fundraising support from Friends of the Kindred Public Library. The 2021 financials were also included, along with the 2022 Library Board of Trustees: Jen Guzik, Bethany Johnson, Sara Anderson, Jackie Johnson, Nikki Weber, Ozzie Peraza. Mrs. Anderson asked Council to accept the 2021 report and 2022 Board of Trustees before proceeding with the next item.

**MOTION, passed – To accept KPL 2021 Annual Report & 2022 Library Board of Trustees;**  
**Spelhaug moved; Peraza seconded. RCV; MCU.**

Lisa Anderson presented the KPL Building Purchase Proposal sharing that the owner (Kindred Area Rural Recovery (KARR)) of the current library building is selling the property at 330 Elm St and offered KPL the sale price of \$170,000.00. Mrs. Anderson said that KPL would really like to stay in the building, but that price is too much for them to take on themselves. She said they are all aware that there are a lot of projects happening (now and in the future) in the City and that they do not want to burden the City, however, they do not want to lose their current space. The possibility of another party purchasing the building and eventually asking KPL to move out would be detrimental to the services for the community. They are hoping the timing is inline with the City's budget process to be considered with the 2023 budget season. KPL is proposing that the City purchase the Library Building with financial help from the KPL. The City support request is \$120,000 with KPL contributing \$50,000 (primary goal is to fundraise and seek out donations or grants, but savings on hand or a loan could be used as well). The Library will not ask for a mill levy increase and is proposing the City own the property while Library Trustees and Directors would manage the building and other tenants. Linda Otterson shared some background on KPL, which started in the winter of 1999-2000 with some community meetings to find a location. The community response was overwhelming positive and so KARR offered the space in the current library building, which was constructed in 1994 and previously used as a clinic until about 1998. A group of citizens and volunteers remodeled the west side of the building and KPL moved into the space in 2002. Mrs. Otterson said that grants, fundraisers, and donations have helped create the space KPL offers and that the Friends/Trustees are a great group of people who have enhanced the library and helped to support the community over the years. Lastly noting that they "really, really want to stay" in the same place! Mrs. Anderson explained another perk of the current building is that since it was constructed as a medical clinic, the doorways and bathrooms are all wheelchair accessible, so there are no limitations for visitors. She explained that the current assessed value of the property is \$130K, and although it has its original furnaces/plumbing/heating utilities, the asphalt was redone in 2000 and the roof/gutters were replaced in 2018. Discussion on ownership, fundraising and grant opportunities. KPL Trustees/Directors would serve as building managers, other tenants in the building would remain with rental income to help with building expenses, and building maintenance would be funded by KPL. CM Peraza asked what the timeline is for funds to purchase the building and where the \$50K KPL share would come from. Mrs. Anderson said the purchase would be planned for 2023 and would work on fundraising and grants to get the KPL share; they want to have some "skin in the game" and show that they are invested in this proposal too, noting that if they raise more than \$50K the City's share would be less than \$120K. CM Spelhaug thanked KPL for the great proposal, noting that it is nice to have time to evaluate all aspects of the building prior to making a decision. He also appreciates KPL's contribution to the purchase price. He asked to verify if the tenant rent received would be kept/tracked separately; Mrs. Anderson said definitely

yes. CM Peraza asked if KPL would dip into their savings if it were necessary to help with the purchase price; Mrs. Anderson replied yes, absolutely! Attorney Sarah Wear explained the need for a public hearing as it relates to NDCC for public library buildings; this does not lock City Council into any decision. CM Spelhaug and Peraza noted they would support the public hearing process, CM Johnson too. Mayor Kersting thanked KPL members/directors/support for all they do in the community and said it would be great if a date for the public hearing could be set prior to Kindred Days so it could be promoted then. The proposal will be discussed further at the special council meeting next week for 2023 preliminary budget. Auditor will follow up with everyone after.

- Kindred Community Days: Lydia Ronningen expressed thanks to Tabitha, Jackie, and City Council for their support to prepare for this month's event! Flyers have been sent out. Discussed council support for barricades and garbages. Mayor Kersting noted the signage on Hwy 15 is great; any outreach to FM area? Mrs. Ronningen said there are press releases and radio promos, as well as radio show on location on Friday!

#### B. New Business

- Ronningen Sidewalk Removal Request: Joel and Lydia Ronningen who reside at 221 Elm St submitted a letter to request the ability to remove a portion of their sidewalk without replacing it due to the possibility of losing a large tree. They noted the request was asked a few years ago when the Elm St sidewalks were redone, but were told that under city ordinance any removed sidewalk needs to be replaced unless they request a waiver from City Council. They provided photos and explained that tree roots from very large/old trees (maple tree on south end, walnut tree on north end) are heaving the sidewalk panels and create a serious tripping hazard. They do not want to replace the sidewalk as there would be harm caused to the tree roots and if they increased the height of the sidewalk to avoid the tree roots, that could cause potential water drainage issues. Discussion on other sidewalks in the area: current sidewalks at both properties on east 2<sup>nd</sup> Ave and property directly north of Ronningen's, but not on the property south of Ronningen's. CM Spelhaug noted that CM Stoddard holds the sidewalk portfolio, but stated that the whole east sidewalk should be removed not just a few panels, indicating this would likely be helpful for mowing and snow removal. He also noted that there would be a chance the tree only lasts another year or two, but that letting that elder tree stay longer would also be nice. CM Johnson said she sees both sides of wanting it removed but also the benefit of it being replaced; if not replaced it creates a section without a walking path. Discussed the use of temporary pavers or making a walking path of some kind. Attorney Wear stated that the ordinance does allow a waiver by City Council and that the letter is similar to a petition for this waiver. Auditor noted the possibility of setting precedence on similar requests in the future, and that if this current waiver is approved it wouldn't necessarily exempt the property from future sidewalk projects. CM Peraza asked what the timeline of removal would be; Mr. Ronningen said he would have it removed before this fall, it would be leveled out and likely seeded with grass. CM Peraza asked PWS Schock if there were any concerns with drainage; Schock replied that all ditches/boulevards could use some regrading to help drainage flow better but he remains cautious of disturbing lawns as it will take time for grass to be reestablished.

**MOTION, passed – To allow waiver for 221 Elm St removal of sidewalk on 2<sup>nd</sup> Ave N before fall; Spelhaug moved; Johnson seconded. RCV; MCU.**

#### C. Old Business

- ORGANIZATION MEETING ITEMS: Election of President & Vice President of Council, Designation of Council Portfolios & Authorized Signers: Current Council President Spelhaug and Vice President Peraza both stated they were agreeable to keep their positions. CM Johnson said she is open to suggestions on portfolio changes or for taking over Dave Amerman's portfolio. CM Spelhaug stated he could retain his current portfolio and could add Buildings, Grounds, and Equipment. CM Peraza & Stoddard agreed to continue their portfolios as well. CM Spelhaug noted that P&Z has been great at focusing on the zoning aspect but could use more focus on planning for the city, and the RZ will becoming more active as well.

Updated portfolio assignments, with Mayor overseeing all portfolios.

- Adam Spelhaug: Water, Sewer, Garbage; Public Works and Safety; Buildings, Grounds, and Equipment.
- Ozzie Peraza: Personnel, Finance, and Community Development.
- Julie Johnson: Planning and Zoning; Renaissance Zone; Nuisances; Ordinances.
- Shad Stoddard: Streets, Alleys, and Sidewalks; Signage, Traffic, and Police; Ordinances.

Current authorized signers on the City's financial accounts are City Auditor, Mayor, and President of Council.

**MOTION, passed – To appoint Adam Spelhaug as Council President and Ozzie Peraza as Council Vice President; to approve City Council Portfolios and Holders as presented; to designate Mayor Kersting, Council President Adam Spelhaug, & City Auditor Tabitha Arnaud as authorized signers on City financial accounts; Johnson moved; Peraza seconded. RCV; MCU.**

D. Building Inspector/Code Enforcement:

- 190 5<sup>th</sup> Ave N: Auditor Arnaud confirmed with the contractor that the roofing should be started in 4-6 weeks.
- 241 Linden St: Mayor Kersting stated that he talked with Mr. Peterson on the condition of the fence. Mr. Peterson said they want to remove the fence and plant bushes/shrubs to create a “green” fence. The alley panels are down now. Mayor Kersting will follow-up again. CM Spelhaug noted that the United Methodist Church also had concerns of the work being completed as they will be having a new pastor residing in the parsonage to the west of this property.
- 851 Elm St: CM Peraza said he talked with Mr. Gette (owner) and he was waiting on a contractor to complete the siding and windows are on backorder. Building Administrator Mike Blevins said it has been long enough from the last notice that the City should look at issuing a motion to notice the property again. CM Spelhaug agreed that would be a good idea. Mr. Blevins noted that he was unable to get a return call from Mr. Gette yet, but would try to reach out again and take some current photos of the property. CM Spelhaug said we can add the topic to the special meeting agenda if the order needs to be done.
- CM Johnson asked about the property at 120 4<sup>th</sup> Ave S, also owned by Mr. Gette. Auditor Arnaud said that Mr. Gette had a rental tenant that left announced over the winter, and with disconnected utilities water lines froze and caused a lot of damage. Last update was a couple of months ago, Mr. Gette said he was waiting on insurance before repairs could be completed.

E. Pool/Parks: Park Board Member Lydia Ronningen reported that the City Park sign was moved and are working on a planting plan including moving the peonies from the flagpole area by the pool. She also said the basketball court installation was completed, Park Board is working on activities and setup for Kindred Days this weekend. CM Spelhaug inquired on the pool lifeguard situation and a season closing date. Mrs. Ronningen stated that the lifeguard positions are all filled and closing date would be towards the end of August, likely before school starts. Auditor Arnaud noted that Public Works helped with the City Park sign being moved and set up, and that she and Jackie Johnson have spoken to Lisa Anderson who is part of a group of Master Gardeners that will volunteer their time to plan and plant flowers before this weekend so it is spruced up before Kindred Days. Auditor Arnaud also reminded Council that the City needs to work on a plan for replacing or rehabilitating the “Welcome” signs on the north and south sides of County 15 (these were previously maintained by Kindred Lions, who have disbanded.)

F. Planning & Zoning: Guest Nate Opgrand asked to speak about his property at County Hwy 15 and ND Hwy 46. He has no formal request tonight, but wanted to discuss the need to City support for services at this location. Currently, Mr. Opgrand is considering a 24/7 fueling station and commercial office spaces. The property is within Kindred city limits; however, water service would need to be provided by Cass Rural Water and sewer services would end up be septic as a lift station to tie into the City’s system would be too costly. What does the city offer as a benefit to this property? CM Spelhaug said that he and the Public Works committee did some quick math and the investment would be about \$500K for water services to be installed from the Hwy 15/Sheyenne St corridor, a total estimate of \$800K with sewer. He said this is a large cost with not many properties affected, also noting that not many of the properties in this corridor are able to be developed (without their own additional costs) due to the current floodplain concerns. Mr. Opgrand said that everyone wants growth for the community but most are also scared. CM Spelhaug noted being conservative with funds and responsible when considering estimated costs is important. Mr. Opgrand stated he has a great vision for this property and as soon as money is invested here, the city will begin to see revenues from sales taxes. Mayor Kersting thanked Mr. Opgrand for discussing this with Council and they would consider the topic in future planning.

G. Marketing: Discussed council booth/merchandise and setup needs for Kindred Days.

H. Police: Deputy Bryce Noonan presented the July 2022 report with 18 calls for service, including the following: 1-gas drive off, 5-medical assist, 2-parking complaint; 5-suspicious, 3-traffic complaint, 2-disturbance. Deputy Noonan also provided an update on the golf cart situation, noting that he is not against people using them but is here to enforce safety and NDCC does not allow them to be operated in any community that does not have a golf course. He has stopped a few users to have discussion about this and educate them on the rules. He has not issued any citations on them and so far, those that have been stopped are very understanding. CM Spelhaug and Peraza both stated they support the education on the topic and have seen fewer concerning situations with drivers/passengers. Deputy Noonan reminded residents to register for the new Cass Clay Alerts system that began last year, noting that the old system ended and did not transfer over to this new system. CM Spelhaug asked about the speed zone placement change on County Hwy 15; Deputy Noonan said he would inquire with the County Hwy Dept about signage.

I. City Engineer: Project Engineer Brad Muscha presented in Brandon Oye's absence.

- **Wastewater Treatment Improvements; Sewer Improvement District 2019-1**: Muscha reported the most recent construction meeting went well. An updated construction schedule has been provided showing continued work at the lagoon site, a closure of Maple St and 4<sup>th</sup> Ave S planned for 8/10, and a partial closure of Maple St and 3<sup>rd</sup> Ave S shortly after. The closure of 3<sup>rd</sup> Ave S from Linden to Elm for reclaiming is planned for 8/11 or 8/12; the road will still be travelable, will just prep street for future excavation. PWS Schock said that adequate notice needs to be given to residents and garbage services and care needs to be taken for exposed gate valves. CM Spelhaug said even though this is within a few days of Kindred Days, we don't want to push the work back and create extensions, so best to let KPH proceed. Muscha said the lift station work is set to begin 8/22, which has already been pushed back one month; substantial completion is currently end of August. With the change of Mayor, a new resolution of governing body needs to be approved so Mayor Kersting and sign documents.

**MOTION, passed – To approve the Resolution of Governing Body of Applicant with Mayor Kersting; Spelhaug moved; Peraza seconded. RCV; MCU.**

**MOTION, passed – To approve Contractor's Application for Payment No. 6 for \$657,009.52; Peraza moved; Spelhaug seconded. RCV; MCU.**

**MOTION, passed – To approve ME Invoice 30575 for \$29,639.64; Peraza moved; Johnson seconded. RCV; MCU.**

- **Newport Ridge Phase 4 and Water Loop, District 2020-1**: Reviewing contractor's application for final payment; Moore has additional costs that can be retained.
- **Dakota St & 5<sup>th</sup> Ave N Sidewalk Improvements**: Meeting will be scheduled after Brandon Oye returns.  
**MOTION, passed – To approve ME Invoice 30576 for \$1,460.26; Spelhaug moved; Johnson seconded. RCV; MCU.**
- **Drain 60 Enclosure**: CM Spelhaug said the estimate to fill in this area is \$500,000 so this item will be added to the CIP as a future improvement. When asked who is responsible for maintenance of the legal drain, guest Mark Ottis said that Kurt Lynse would be a good contact. CM Spelhaug will try to reach out to him.
- **Newport Ridge Phase 5, District No 2022-1**: Developer Mmark Ottis said the project plans are under engineer review and should have more info next week. Moved some dirt for fill, but waiting on more materials. Will need an agreement with Moore Engineering and the City on project oversight.
- **Capital Improvement Plan**: CM Spelhaug said he will discuss some next week with setting aside funds in the 2023 budget.
- **Storm Water Management Assistance**: A draft plan is currently under review by Public Works Committee and should be ready for Council review in September.  
**MOTION, passed – To approve ME Invoice 30577 for \$2,977.50; Peraza moved; Johnson seconded. RCV; MCU.**
- **Floodplain Ordinance Assistance**: Communicating with the state on example ordinances and info, waiting on responses.  
**MOTION, passed – To approve ME Invoice 30623 for \$512.50; Spelhaug moved; Johnson seconded. RCV; MCU.**
- **General City Engineer**: Discussed standard details for construction relating to driveway details (adding information regarding sidewalk distances) and hydrant flag specs.  
**MOTION, passed – To approve Driveway detail and Hydrant flag specs as presented; Spelhaug moved; Johnson seconded. RCV; MCU.**

J. PWS:

- Trimmed up trees for street and sidewalk clearance on Elm Street.
- Prepping for Kindred Days weekend.
- Main lift station had the 2<sup>nd</sup> pump fail again, the new one has still not arrived.
- Street sweeping is scheduled for 8/10 or 8/11
- Water Reservoir Land: CM Spelhaug reported that the PW Committee has had discussions about the future need to expand water storage for the city. Engineer Brandon Oye recommended to double our current reservoir

size, which is 150'x150'. CM Spelhaug recommended doubling that figure to be sure the City acquires enough land to accommodate future growth. In discussion with Mark Ottis (landowner adjacent to the current water reservoir site on West Elm St), CM Spelhaug shared Mr. Ottis' proposal to sell 2 acres of land for \$55,000. Mr. Ottis' condition is that a strip of land about 20' wide, along the south edge of the current residential lots, would be included. CM Johnson asked about the personal property that appears to be over the property lines. Mr. Ottis explained there are a few property owners in this area that have encroached on his property with their personal belongings and attempts to get them to vacate their belongings a few years ago have gone mostly unanswered. Attorney Wear asked if the City wants to acquire the problem of mitigating removal of the personal belongings, instead of simply acquiring the land needed for the reservoir expansion. When asked if only the water reservoir land could be purchased, Mr. Ottis stated the sale price would increase without the small strip included. CM Spelhaug said that the purchase is a good buy for the City and Mr. Ottis benefits by creating a boundary between the residential properties and his farmland. He also noted that the water or sewer funds could be used for the purchase, asking CM Peraza to verify. Auditor Arnaud stated that the water fund has greater funds than the sewer and as it is directly related to water not sewer, the water fund would be best suited. She also asked if the property line could be adjusted to match the designated alley right-of-way located on the 700-block of Elm St, on the chance that this new area be created as an alleyway for those residential properties to have rear yard access and/or for utilities. Discussed the option to part it out and gift the land to those adjacent properties, increasing their rear yard; CM Peraza noted that he would recommend retaining ownership and not giving away the land. Discussed the option to fence the property line and require the personal property be removed within a certain amount of time after the City takes ownership. Mr. Ottis said he would provide the updated abstract and could split the closing costs and paperwork fees with the City.

**MOTION, passed – To approve purchase of about 2-acres of land from Mark Ottis at \$55,000.00 for future water reservoir expansion;  
Peraza moved; Spelhaug seconded. RCV; MCU.**

K. Attorney:

- Ordinance 2022-98: Chapter 11-02 Regarding Licensing Requirements for Dogs & Cats: No changes since 7/6.  
**MOTION, passed – To approve 2<sup>nd</sup> reading of Ordinance 2022-98: Licensing for Dogs & Cats;  
Spelhaug moved; Peraza seconded. RCV; MCU.**

L. Auditor Report

- Consent Calendar:

**MOTION, passed – To approve Delinquent Utility Accounts/Shut Off List; Local Permit for Kindred Youth Baseball; City Council meeting minutes of 07-06-2022; July 2022 financials and unpaid bills report;  
Spelhaug moved; Peraza seconded. RCV; MCU.**

- Event Permit Application by The Uptown Eatery has been submitted for off-site alcohol sales from 9am-11am on Saturday, August 13 for Kindred Days. Discussed location of sales, application is unclear if it will be on the sidewalk in front of the property or on the vacant lot to the west of the property.

**MOTION, passed – To approve Off-Site Permit for The Uptown Eatery on 8/13/2022 contingent on location of sidewalk or west vacant lot;  
Peraza moved; Johnson seconded. RCV; MCU.**

- Auditor Arnaud shared that a special city council meeting will be scheduled for next week, August 9 at 7pm to review and approve the 2023 Preliminary Budget.
- Kindred Days: Arnaud will be out of town but she and Johnson will have items prepped, arranged, and ready to go for council.
- City newsletter will be going out within one week too; will be sure to add Deputy Noonan's reminder to register for Cass Clay Alerts and include the Cass County Sheriff's Office Tip of the Month.

M. Council & Mayor Reports:

- Spelhaug: Happy Birthday Tabitha!
- Johnson: Great job on the meeting minutes, Tabitha! They are so detailed, and able to read like I'm at the meeting. Thanks for your work on these!
- Peraza: Attended the Cass County Sheriff's Office Active Shooter Training; great to watch all the agencies working together, very informative. Great work by Kindred Fire Department and Kindred Ambulance too! Take comfort in knowing that local departments are trained and prepared in the event this situation ever arises. Also working to identify the dumpster that was placed on the street at Viking Circle.

**ADJOURNMENT**

**MOTION, passed – To adjourn meeting at 9:53pm; Peraza moved; Spelhaug second. RCV; MCU.**

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

Attest: \_\_\_\_\_  
Tabitha Arnaud, City Auditor

\_\_\_\_\_  
Darrell Kersting, Mayor

Date approved: \_\_\_\_\_