

KINDRED CITY COUNCIL – MEETING MINUTES

Wednesday, January 3, 2024 | 7:00 pm | Kindred City Hall

MEETING CALLED TO ORDER AT 7:01 pm by Mayor Kersting with CMs Spelhaug, Johnson, Stoddard, and Peraza present. Others present: PWS Rich Schock, City Auditor Tabitha Arnaud, City Attorney Sarah Wear, City Engineer Brandon Oye, Sheriff Deputy Bryce Noonan and Sergeant Travis McNamara, Mike Blevins, Greg Moffet, Mark Ottis, Lydia Ronningen, Brian Ordahl, Brandon Kub, AJ Sommerfeld, Jan Russell, Joel Ronningen.

APPROVE AGENDA: MOTION, passed – To approve the agenda (add raffle permit to 14B). Peraza moved; Stoddard seconded. RCV (Roll Call Vote); MCU (Motion Carried Unanimously).

NEW BUSINESS

Public Hearing – Final Plat of Norman Acres 1st Addition: Mayor Kersting opened the public hearing. No public comment. Mayor Kersting closed the public hearing. Plat is still under engineer review. **Action tabled until final plat exhibit is complete.**

Public Hearing – Preliminary Plat of Plains 2nd Addition: Mayor Kersting opened the public hearing for the Preliminary Plat of Plains 2nd Addition, which splits an 85-acre parcel into two new parcels. No comments/discussion. Mayor Kersting closed the public hearing. **MOTION, passed – To approve the Preliminary Plat of Plains 2nd Addition. Spelhaug moved; Johnson seconded. RCV; MCU.**

Resolution for 2024 Property Tax Exemption on New Home Construction: Annual resolution that allows first-time occupants of newly constructed residential homes apply for a 2-year property tax exemption of \$150,000. **MOTION, passed – To approve the Resolution for 2024 Property Tax Exemption on New Home Construction. Spelhaug moved; Stoddard seconded. RCV; MCU.**

Designate Official Depositories of City Funds: MOTION, passed – To designate Kindred State Bank and First Community Credit Union as official depositories of City funds. Spelhaug moved; Peraza seconded. RCV; MCU.

OLD BUSINESS

Second Reading of Ordinance 2023-103 Regarding Annexation of Norman Acres: The public hearing and first reading of the ordinance was approved at the December 6, 2023 Council meeting. Guest Greg Moffet, unable to attend that meeting, asked to speak; addressing his concerns about losing the buffer between his property and city limits, and questioning the validity of the contiguous point of connection between the current corporate city limits and the Norman Acres development. Engineer and Attorney previously verified the connection is valid under the ND Century Code; with a petition for annexation, all parties are in agreement (no protesting their own request); the connection is 65 feet of the County Road Hwy 15 right-of-way and, even though it is not a huge contiguous area, it would not be classified as a “strip” annexation. Cass County would continue to maintain CR15, while the City and Normanna Township would hold shared maintenance of 52nd St SE (CR18) to the east side of the Norman Acres development. Oye noted he could discuss this concern with the land surveyor and get confirmation; CMs agreed it was worth holding on a decision until getting written clarification and understanding. It was also noted that if the annexation was not approved, the development is still within the City’s ½-mile extraterritorial jurisdiction and would still follow all city standards/specs and zoning ordinances. **Action tabled on 2nd reading of Ordinance 2023-103.**

City Hall Flooring & Other Updates: No updates yet.

BUILDING INSPECTION/CODE ENFORCEMENT – Mike Blevins provided the 2023 year end building permit report, 18 issued, with no new single-family residential. He noted that most jurisdictions were down about 20%-30% on new SFR building permits, possibly due to increase construction costs and interest rates. Mayor Kersting asked for a 5-year average for comparison/planning.

PLANNING & ZONING – Board Member Joel Ronningen shared that they had more discussion on the comprehensive planning and would like to consider a large group meeting including P&Z, Council, Parks & Rec, and even the school district. Will try to schedule something after reviewing all the past and current documents/proposals.

MARKETING & BEAUTIFICATION – Winter flags for downtown arrived, but flag poles were not well constructed so need to get something more durable.

POLICE

Deputy Noonan presented the December police report. Noting a recent increase in vehicle break-ins/thefts and burglaries, often in the overnight hours. Sergeant McNamara encourages owners to lock their vehicles, home and/or garage doors to discourage suspects, noting they are usually looking for easy targets. The 2023 annual report will be presented in February.

CITY ENGINEER

Wastewater Collection and Treatment Improvements; District No. 2019-1: Engineer Oye presented a final balancing change order that adjusts all quantities and a final contractor’s application for payment that reflects the values approved with the mediated settlement agreement. **MOTION, passed – To approve Final Balancing Change Order No. 3 (decrease \$226,396.71) and Final CAP No. 13 for \$504,692.95. Peraza moved; Stoddard seconded.** *Discussion: The CAP adjusted the retained liquidated damages to zero, as was discussed and approved by all parties with the mediated settlement agreement. CM Spelhaug noted that there are still punch list items that have not been addressed or completed; since payment was already made per the agreement, there is nothing holding KPH accountable to complete the work without retainage. Discussed option to use the settlement agreement to enforce consequences if KPH does not complete the required work to close out the project.* **RCV; MCU.** SRF funding closeout paperwork. **MOTION, passed – To approve Project Initiation and Acceptance, Certificate of Compliance with American Iron and Steel Requirements, and Certificate of Payrolls and Statement of Compliance. Johnson moved; Spelhaug seconded. RCV; MCU.** The selling of stockpiled clay material is on hold. Remaining tasks before project closeout: USACE funding, force main easements need to be signed/recorded/linked to webmap. Defective work punch list: still some disagreement about items on list, KPH response indicated inspections to be completed in the spring; ME/City would like to try to determine the items that are not agreeable in interim to be ready to go when the weather allows.

Dakota St Sidewalk, Spruce St and Elm St Drainage Improvements; District 2023-2: Project on hold until spring.

Newport Ridge & 7th Ave Paving; District No. 2024-1 and 2024-2: 60% plan review meeting with PWC on December 15. Considering a late winter bid. **MOTION, passed – To approve Braun Intertec Invoices B368211 for \$9,231.00 and B369006 for \$1,701.00. Peraza moved; Spelhaug seconded. RCV; MCU.**

Norman Acres 1st Addition: 60% plan review meeting with PWC on December 14. Will present the final plans for approval, along with the Developer’s Agreement and Planned Development District ordinances.

Comprehensive Plan: On hold.

Lead Service Line Inventory (LSLI): Work in progress.

West Metro Perimeter Highway Study: Oye reported that Kindred is now included in the planning area and someone from the city could be appointed to attend future committee meetings and provide a city point of view. CM Johnson was not too interested/able; Mayor Kersting expressed interest to be kept abreast of meetings.

Chapter 4 Ordinance Updates: Will present an updated list of recommendations next month.

PUBLIC WORKS

PWS Schock reported work on CIP and many meetings with ME for plan reviews, arranging contractor appointments for spring projects, researching and collecting records for the lead and copper service line inventory. The ice storm over Christmas resulted in loss of power for about 4.5 hours; the main lift station went off-line, reset and back online,

monitored all other lift stations, reservoir, and water tower. Tree debris clean up started same night to clear blocked roadways. Worked with office staff to make plan for other damaged boulevard trees and debris. Mayor Kersting expressed thanks to Public Works and City Hall staff for a great response to clean up needs; well organized and quick!

CONSENT CALENDAR

MOTION, passed – To approve consent calendar items: Minutes of 12/6/2023, Off-site Permit for The Uptown Eatery (1/27/24), Raffle Permits for Clay County 4H Shooting Sports Muzzleloader Team (4/15/24) and Myers Family Benefit (1/9/24), Delinquent Utility Accounts List, Bills for Payment and Financial Reports for December 2023. Stoddard moved, Peraza second. RCV; MCU.

AUDITOR & FINANCE

2024 City Election Information: Two City Council terms are expiring: Peraza & Stoddard (4-year terms). Three Park Board terms are expiring: Amerman & Mehrer (4-year terms) and Mathis (2-year unexpired term). Contact City Hall or visit www.KindredND.com for required documents and minimum number of signatures to be submitted by 4pm on April 8, 2024 to have the candidate’s name printed on the ballot.

Purchase Agreement for 330 Elm St: Closing date on previously approved PA has passed and should be extended. Survey was completed and lot pins were placed. New abstract was completed and is ready for title opinion to be completed.

MOTION, passed – To update the purchase agreement closing date to “on or before 12-31-2024” for 330 Elm St. Spelhaug moved; Peraza second. RCV; MCU.

New Liquor/Alcohol License Application: A new L/A license application has been received and under ordinance a public hearing must be published and held for Council to review the application. Discussed special meeting date options.

COUNCIL & MAYOR REPORTS

Annual Employee Reviews: CM Peraza shared that he completed the employee reviews with City Hall staff and then discussed with Mayor Kersting. CM Spelhaug and Mayor Kersting completed the Public Works staff reviews together. Mayor Kersting noted that the City has a really great staff on board and appreciates all their efforts. CM Peraza stated he has huge praises all around for all staff. CM Spelhaug expressed that having PWA Tronnes creates flexibility for PWS Schock to better utilize PTO, and that Schock continues to be a big asset with projects. CM Johnson and Stoddard agreed. CM Peraza recommended increases of \$1.50/hour for CA Arnaud and DA Johnson, noting they are always available and addressing needs of the community, and Arnaud making the Council Member job easier. CM Spelhaug recommended an increase of \$0.75/hour for PWA Tronnes and \$1.50/hour for PWS Schock; noting that salaries were discussed and will be considered for 2025. Mayor Kersting noted the strengths of Schock and Arnaud and encouraged their continued efforts to share responsibilities with Tronnes & Johnson to provide flexibility for a work/life balance and employee retainage.

MOTION, passed – To approve 2024 wage increases for hourly staff (RS/TA/JJ +\$1.50/hr and ST +\$0.75/hr) effective January 1, 2024. Spelhaug moved; Peraza second. RCV; MCU.

CM Spelhaug: none.

CM Johnson: none.

CM Stoddard: Did make contact with CCEC regarding the street lights and boundary questions, but they have been a bit busy with the ice storm repairs. Will hopefully have more info soon.

CM Peraza: none.

Mayor Kersting: Reminder for property owners to apply for the 2024 property tax credit for primary residences.

ADJOURNMENT

MOTION, passed – To adjourn meeting at 8:14 pm. Spelhaug moved; Peraza second. RCV; MCU.

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

Darrell Kersting, Mayor

Tabitha Arnaud, City Auditor

Date approved