

KINDRED CITY COUNCIL – MEETING MINUTES

Wednesday, May 1, 2024 | 7:00 pm | Kindred City Hall

MEETING CALLED TO ORDER AT 7:00 pm by Mayor Kersting with CMs Spelhaug, Johnson, Stoddard (7:20), and Peraza present.

Others present: PWS Rich Schock, City Auditor Tabitha Arnaud, City Attorney Sarah Wear, City Engineer Brandon Oye, Deputy Auditor Jackie Johnson, Deputy Bryce Noonan, Deputy Justin Hanson, Jan Russell, Mark Ottis, Marlow Rud, Jeremy Fischer, Andy Westby, Tyler Kilde, Brinna Murray, George Woodward.

APPROVE AGENDA: MOTION, passed – To approve the agenda. Peraza moved; Spelhaug seconded. RCV (Roll Call Vote); MCU (Motion Carried Unanimously).

NEW BUSINESS

Public Hearing – First Reading of Ordinance 2024-104: Chapter 4 Amendments

Open Public Hearing. Changes to Chapter 4 include renumbering zoning districts, reorganizing, room for additional districts, changes in footage for ROWs, and removing old classification numbers. Engineer Oye commented that a lot of the changes went through thorough review with the PWC and there is still the opportunity for revisions prior to second reading, if needed. Upon fielding neither public comments nor written comments, the Public Hearing was closed.

MOTION, passed – To approve first reading of Ordinance 2024-104 for Chapter 4 Amendments. Peraza moved; Johnson seconded. RCV; MCU.

Kindred Youth Baseball Association

Kindred Youth Baseball board member Andy Westby discussed some details from their meeting (4/16 with reps from PWC, P&Z, and Kindred Parks) regarding KYB's plans to purchase 12 acres of land for three new little league fields, parking area, and concessions east of the ProAg fields, as well as updates to the softball fields and current little league field. Westby states the impact is broad, huge benefit for the program and the community – girls & boys of all ages. The three new little league fields will be for baseball, ages 7-12. Currently, the area is located in the floodplain according to FEMA flood maps. Revised FIRM (Flood Insurance Rate Map) panels have been pending adoption for many years, that would bring this area out of the floodplain, but there is no definitive date on the adoption process. Due to this, the new proposed concession structure would need to be raised to meet the Base Flood Elevation (BFE) per FEMA regulations. Bringing in enough material to raise the area out of the floodplain, would be a large expense (possibly up to \$500k), as well as the option to use flood-proofing construction methods. KYBA is hoping for some kind of waiver to move forward with planning/permitting since the impact of flooding on fields and concession structure wouldn't be as catastrophic as residential homes. Oye commented that the revised floodplain maps are preliminary so the current maps are still in effect, causing some risk to build in that area. Council inquired if the field could be completed first and concession later (after revised maps are finalized). Westby stated that was not ideal. KYBA is hoping to secure major donors this summer; complete structures by end of next fall, then complete fall of 2025. Council inquired about consequences on the City's behalf for issuing building permits in the floodplain. One potential risk could be loss of the City's participation in FEMA's flood insurance program. Oye offered to have additional dialogue with the ME team to get a better understanding of the risks.

Gaming Site Authorization Application

MOTION, passed – To approve Gaming Site Authorization for West Fargo Rural Fire Dept. at Spring Brook Tavern. Spelhaug moved; Peraza seconded. RCV; MCU.

OLD BUSINESS

MDU Natural Gas Project

Jeremy Fischer from MDU provided an update on the natural gas project in Kindred. He hosted another round of office hours today since participation has been a little low, however they feel close enough to the participation threshold and believe they will pick a few up over the summer, and years going forward. Looking at current participation maps, they may consider cutting out streets that have no participation. Residents may still sign up, but after the five-year surcharge is complete, if someone wants to sign up and there are no mains, they will incur more charges if there are no mains near

them. It is most ideal to sign up now for residential service. WBI will start construction by Mapleton in July; will start construction within Kindred later this fall (Sept./Oct.), with natural gas service possibly available around November 1.

Second Reading Ordinance 2024-107 Chap 14-02 Ottertail Power Company Franchise

MOTION, passed – To approve second reading of Ordinance 2024-107 regarding Chapter 14-02 Ottertail Power Company Franchise. Spelhaug moved; Johnson seconded. RCV; MCU.

Trilogy Networks Telecommunication Site (Water Tower) Lease Agreement:

Reviewed the proposed site lease agreement for Trilogy to install equipment on the water tower. Primary change from last month's example is that internet service will be arranged directly by Trilogy, instead of supplied by the City. Discussed legal expenses incurred to create the agreement, CM Johnson inquired who would be paying for those; CM Spelhaug state that as owner of the property, the City should be responsible to creating the lease agreement; Trilogy and the City both are paying for their own expenses for legal reviews. CM Johnson suggested staff/council work to provide more of a complete draft before legal team works on documents; CM Peraza noted the agreement needed to be reviewed to cover the City's interests. Discussed painting/lighting, air conditioning needs are not necessary, other requirements to register with the FCC or FAA, how much equipment space is available. Woodward reported Trilogy would be using four of the six posts, so there would be available space to lease to others were interested. Estimate for electric supply is about \$240/year.

Discussed the graduated annual lease payments versus the same fee every year; presented as \$100 for year 1, \$200 for year 2, and years 3,4, 5 at \$1200. Woodward stated that as a new project, Trilogy is investing a lot into this infrastructure and looking for offset from the City until it is established. CM Johnson suggested paying \$1,200 per year, no graduated fee for the lease agreement, to help cover the City's costs. Mayor Kersting noted the low impact to citizens of the City. Woodward explained the City would have the ability to introduce "smart city" functionality for schools, city, organizations, etc – smart meters, communications on emergency vehicles – infrastructure could support "smart city" functions – Trilogy is focused more at agriculture, not "smart" city functionality, but the City could tap into the infrastructure too. Gues Tyler Kilde asked if the City did any research on the value of the tower from a revenue standpoint? CM Spelhaug shared that comparisons were done from other communities, with the highest fees being for cellular companies; a very wide range (\$720-\$1210, up to \$3700). **MOTION, passed – To approve Telecommunication Site Lease agreement, removing internet services, for Trilogy Networks to place infrastructure on the city's water tower – year 1 cost-\$100.00, year 2 cost-\$200.00, years 3, 4, and 5-\$1,200.00 each, and the City to pay legals fees for agreement. Peraza moved; Spelhaug seconded. RCV; Johnson-no; Stoddard-yes; Peraza-yes; Spelhaug-yes. Motion Carried.**

FM Metro Cog Associate Membership Status, Comp/Transportation Plan Services Proposal Update

The city of Kindred was entered into the by-laws for MetroCOG organization and are officially an Associate Member. Hoping to schedule something this month with two team members and looking for an updated proposal which would be the first step for the one-year timeline to begin for a new comprehensive plan.

BOARDS & COMMITTEES

Kindred Public Library

PWS Schock, Auditor Arnaud, DA Johnson, and KPL Director Lisa Anderson met with Lynn Johnson Lock & Key to review the building and plan for new keys and replacing a couple of locksets. **MOTION, passed – To approve quote from Lynn Johnson Lock & Key to re-key the Kindred Public Library building. Spelhaug moved; Peraza seconded. RCV; MCU.**

MARKETING & BEAUTIFICATION

Group starting coordinate planting flowers in city flower pots and seek flower pot sponsorships for the summer. KAAP banners for Elm St should be arriving soon.

POLICE:

This is Deputy Noonan's last official month/meeting. Last month, Kindred had 18 calls, with an increase in traffic stops; a total of 197 dispatches. Citation due dates officially changed from 28 to 14 days from date of issue. Deputy Noonan participated in resiliency training, riot control training, case law training, and attended the 2023 Cass County Sheriff's awards ceremony. Deputy Noonan introduced Kindred's new contracted deputy – Deputy Justin Hanson – who has been with the CCSO for 9 years. He's excited to be here and looks forward to meeting/working with the community!

CITY ENGINEER

Wastewater Collection and Treatment Improvements; District No. 2019-1:

Easements and record drawings done. All tasks are done, except for defective work. ME asked contractor for an update last week on the defective work and received no response. ME provided a response on the leak on Sheyenne St, of which PW coordinated the repairs. ME's letter that explains splicing pipes together of differing material requires a special coupler be used. It was determined that an incorrect connector/coupler was used at this location. ME determined, via inspection photo documentation, there are 18 locations that had incorrect couplings installed and have the potential to fail at some point, just as this one did. The city's options are 1) to request contractor to dig up and replace all 18 locations; 2) inform contractor that this is an issue and monitor it. Mayor Kersting said KPH should be notified of the issues so it is on record. CM Stoddard suggested the city should have the contractor repair the incorrect couplers to meet the standards. ME will work with Wear to review the contract and prepare a response to notify the contractor to replace the couplers.

Dakota St Sidewalk, Spruce St and Elm St Drainage Improvements: Work on hold until after graduation so there is less congestion with school traffic. CM Stoddard says the sidewalks in the school area is great for the community and school kids; nice to have crossings and safer access to school. Will be working with BND on loans/funding for this project.

MOTION, passed – To approve ME Invoice 38126 for \$9,628.14. Peraza moved; Stoddard seconded. RCV; MCU. MOTION, passed – To approve Engineering Agreement Amendment No. 3. Stoddard moved; Peraza seconded. RCV; MCU.

Newport Ridge & 7th Ave Paving; District No. 2024-1 and 2024-2:

Bank of ND will fund projects with a temporary loan, honoring the 2% interest rate, while past audits are being completed/submitted by Widmer Roel. With the good news on acquiring funding, ME will start to process funding, work on the contracts with Northern Improvement, contingent on improvement district finances with BND. Project loan may be a 25-year term on streets; and 30-year on underground infrastructure. **MOTION, passed – To approve 2024-1 Improvement District Agreement contingent on terms to match BND. Peraza moved; Spelhaug seconded. RCV; MCU.** ME will work on communications for this project. They have created project website where people can sign up for project updates, schedule changes, maps, FAQs, etc. Equipment may mobilize next week, though work will not begin for about a week.

MOTION, passed – To approve ME Invoice 38128 for \$26,488.45. Peraza moved; Stoddard seconded. RCV; MCU.

MOTION, passed – To approve Engineering Agreement Amendment No. 1 for Construction Services. Stoddard moved; Johnson seconded. RCV; MCU.

Norman Acres 1st Addition:

Plans have been approved, the annexation and final plats are recorded. Still working on sewer force main agreement with Braaten Addition. April 18 pre-construction meeting. ME/Developer – construction administration (private). ME/City – oversight as needed – will inspect for final acceptance. Oye noted additional conversations have been had with property owner to the North (Lykken) regarding the CR15/North access to Norman Drive. **MOTION, passed – To approve ME Invoice 38089 for \$7,505.00. Peraza moved; Stoddard seconded. RCV; MCU.**

Water Reservoir Improvements:

Oye presented an Engineering Agreement to review improvements needed to the water reservoir that was constructed in 1992, and replacement of ACP water main along Elm St. ME will assist with cost share requests to funding agencies to attempt to secure funding assistance. **MOTION, passed – To approve Water Reservoir Improvements Engineering Agreement. Johnson moved; Spelhaug seconded. RCV; MCU.**

Lead Service Line Inventory:

Moore Engineering is finalizing the city's lead service line inventory and preparing to submit to the state. No action needed.

West Metro Perimeter Highway Study: No update – project paused.

County Hwy 15 Path Replacement: Did not get funding for grant submitted by Cass County.

PUBLIC WORKS REPORT

PWC met on/working on Norman Acres, Dakota St, Reservoir Improvements, spring work, etc., curbside appliance pickup. There were a few scrappers out, so there were not quite as many appliances as usual. Compost dumpster arrived today

and will fill up fast so will be working with Tabitha/Jackie and WM to get those swapped this summer. Discussed further education to residents/community of compost use so the City does not incur extra charges for disposing of materials that are not allowed to be placed in the rolloffs; can issue citations per City ordinances. Taking PTO May 8-15.

CONSENT CALENDAR:

MOTION, passed – To approve consent calendar items: 04/03/2024 special, 04/03/2024, 4/15/2024 special meeting minutes, raffle permit application for Kindred Parks & Rec, delinquent utility accounts list, bills for payment and financial reports for April 2024. Spelhaug moved; Peraza second. RCV; MCU.

Fund summary and P&L will be emailed to council due to May 1st meeting.

AUDITOR & FINANCE

Continuing to work with Widmer Roel – July presentation on 2017-2018 audits. Working on disposal of records/records retention. **MOTION**, passed – To approve 2023 certification of records disposal as presented. Spelhaug moved; Stoddard second. RCV; MCU. Upcoming events – rummage sale day, pet clinic, City Election is June 11 with in person voting at City Hall. The election notice will publish in the paper in the next couple of weeks. CM Peraza did submit paperwork to run for his position again; CM Stoddard did not. Park Board also has 3 positions open. Upcoming PTO for CH staff, MFOA training on June 20th in Lisbon.

COUNCIL & MAYOR REPORTS

CM Spelhaug: Attended Drain 60 meeting yesterday – considering restructuring or possibly increasing assessments, not done since 2011. Charging \$2.00 per acre as of now. May look at breaking it out by smaller lots, city lots, maybe by value, etc. No decisions were made, it was more informational. With additional revenues, more maintenance could be done to Kindred’s Drain 60. Visited with Cass County Vector Control; lots of rainfall will create perfect breeding grounds for mosquitoes; discussed plans for prevention and future growth.

CM Johnson: Thanks for sending PWC minutes/notes; very helpful. Thanks for Rich to help lowering costs by taking on projects and maintenance.

Mayor Kersting: Thanks to all in attendance and for sharing your ideas. Furniture drive is going very well, residents happy that furniture can go to people in need.

ADJOURNMENT

MOTION, passed – To adjourn meeting at 9:08 pm. Stoddard 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