

**KINDRED CITY COUNCIL - REGULAR MEETING MINUTES**  
**08-04-2021 at 7:00pm – Kindred City Hall**

**MEETING CALLED TO ORDER AT 7:01pm** by CM Spelhaug, Amerman (via MS Teams), and Stoddard present. Absent: Mayor DuBord and CM Peraza. Others present: City Engineer Brandon Oye (via MS Teams), City Attorney Sarah Wear, PWS Rich Schock, Auditor Tabitha Arnaud, Building Administrator Mike Blevins, Kent Burner, Lydia Ronningen, Marlowe Rud.

**APPROVE AGENDA**

**MOTION – To approve the agenda with revisions (move consent calendar to 08-09-2021 SP Mtg); Stoddard moved, Amerman seconded. RCV; MCU**

**BOARDS & COMMISSIONS**

- A. Special Assessment Committee: The SAC meets on Monday, August 16<sup>th</sup> at 7pm at City Hall to review and hear any protests on the assessments for projects 2020-1 (NPR Phase 4) & 2020-2 (NPR/Airport water loop).

**COUNCIL BUSINESS**

A. Old Business

- Grand Farm Proposal: CM Spelhaug shared that a Kindred proposal was submitted for a Grand Farm Campus on July 30<sup>th</sup>. The Grand Farm site selection committee will select two finalist communities within the next few weeks and then plan a site visit to each. They intend to announce the chosen community at a Grand Farm event on September 16<sup>th</sup>. Marlowe Rud asked if Grand Farm had provided any sort of business plan, CM Spelhaug: “No, not yet.” CM Spelhaug also noted that a lot of good discussion has come from the gatherings of Kindred property and business owners; the show of support has been great!
- Natural Gas - MDU & WBI Announcement: CM Spelhaug shared that MDU/WBI had put out a press release last week that their project to expand natural gas supply to Wahpeton and Kindred by 2024. MDU representatives will be attending the September 1<sup>st</sup> council meeting to provide additional information.

B. New Business

- Name Change Exhibit for Auditors Lot 11 (Parcel 55-0300-00181-000), Woodlawn Subdivision: Tabitha shared that due to 911 addressing requirements, this property has been identified as an access road that is legally registered to a property owner. The “road” provides access to one residence and one commercial property that should not be addressed as “Hwy 46” or “Woodlawn Dr.” Attorney Wear stated that her office is still trying to determine the correct process to name this lot as a public road since it is technically privately owned. Topic tabled.
- FMWF Chamber of Commerce Information: Mayor DuBord asked that the informational materials be provided to council members for review and would like to discuss more at our next meeting.

- C. Pool/Park Board: Park Board member Lydia Ronningen provided an update for the “Flex Court” system to be used on the basketball court at City Park. There was a colored court option (total \$26,362.00) or a recycled-material option that was all black (total \$19,682.00). Last month City Council approved the refundable 25% down payment on the black-recycled option. Park Board met the following week and decided that the colored option would be preferred and they would help cover the additional costs, either by fundraising or funds within their budget. Park Board paid the 25% down payment with a portion of the \$9500 grant dollars they acquired. The remaining balance on the system is \$16,862. The Park Board will continue to fundraise and the city will work to help split the cost for this. Sales representative did note that the deposit is refundable should we decide to not to proceed with this, as well as, stating if the pricing is lowered before completing the order, that savings is passed on.

Lydia provided a quick update on Kindred Days stating that they have received a lot of good feedback and interest in this year’s events! The Community Club will be having a post-event meeting in September.

CM Spelhaug asked PWS Rich Schock for an update on the pool cracks. Rich stated that filling of the pool is being tracked but nothing noticeable is appearing. The plan is still to complete a full insurance assessment of the bowl after the pool is drained for the season.

- D. Planning & Zoning: At the July meeting variance request for height of an accessory structure was approved, and Westbrook Developers attended to provide a presentation of a preliminary layout and master plan of the residential development. The city has received the P&Z Permit Application for preliminary plat and re-zone. Pre-application conference meetings are being scheduled for the PW committee and engineers to review.

E. Building Inspector/Code Enforcement: Building Administrator Mike Blevins provided an update on code enforcement for Kent Burner's properties at 931 Elm St and 190 5th Ave N. Following council's request last month, Mike provided Mr. Burner notices of the expired building permits and that the city was going to move to take action. Hearing no response, he stopped by and met with Mr. Burner on Tuesday to discuss this with him, advising that we need to figure something out to move forward. There's work taking place on the property, which based on everyone's understanding should not be happening currently. Mike received a call today again that there was work taking place, so he stopped back out. Mike advised that Mr. Burner should not be working until we meet with Council tonight and discuss how things look moving forward. He asked Mr. Burner to attend the meeting tonight and see what the city would like.

Mr. Burner stated that he has been working on his properties and would like to get another month extension to complete the work. CM Spelhaug stated the biggest thing is that the city wants the work done, that's why notices have been sent. He asked Mike what all needs to be completed to get the properties up to city specs? Mike said the building permits were for siding, roofing, HVAC, plumbing, and electrical updates. No inspection was completed on either property within the 180-day permit window. If inspections can be completed, a 180-day extension could be provided on the expired permits to start things back up and to get things moving forward. He would like the city's recommendation on how to move forward and if there's a different timeline and there's another legal aspect that Sarah (Wear) can share with us. There are options to move forward, depending on what route the city would like to go.

CM Stoddard asked if both properties are at the same level regarding the amount of work to be completed? Mr. Burner replied yes, on the outside, the siding is about the same. 931 had all new electrical and panel installed. Adding another bathroom but not quite there yet. Mike shared that he has not fully evaluated the interior of 931, only seen through a window that it is gutted. Normally when someone submits a permit for that type of remodel work, he doesn't typically do an investigation of the property. He said if he can get access inside, he can complete a general overview of the starting point before the sheetrock is completed and everything is closed up. Mr. Burner said the interior of 190 is insulated and just needs sheetrock work. Mike noted, he has not been inside that property yet either. Mr. Burner agreed to allow Mike access to both properties for an interior inspection. CM Spelhaug said it would be good to have the pre-inspections completed so we can assess what work really needs to be done and then we'd have a better idea of the timeline needs; the city has given a few extensions already yet not much progress has been made. If we give another month and there's even more work that Mike thinks needs to be done, then if it's not fallible that it's going to be done. We keep adding extensions. CM Stoddard asked when the city first took action on these properties. Tabitha stated the very first notices were sent in September 2020 and building permits were acquired within a few weeks. CM Stoddard: So, we're looking at roughly close to a year. I don't know what you've done on the inside, but on the outside, we haven't seen a lot of change. Sarah noted that notices sent again in April with a deadline of May. When work stalled out, we sent another final notice with the August 1<sup>st</sup> deadline. CM Stoddard: So, looking back on almost a year ago now. How are you going to convince us that given another month or another three months, that we're going to get to this completed? What's going to change that didn't change in the last year? Mr. Burner replied that he has made a few mistakes and took on too much work. CM Stoddard: So, you're admitting you took on too much, how do you propose that you'll be able to finish it within a month? Mr. Burner: I can get the siding done in a month, I won't be able to complete the inside, but outside would be complete. CM Stoddard stated he would be willing to give another month to get the exterior work completed. CM Spelhaug asked Sarah what kind of recourse the city has if this work is not completed by the new deadline. Sarah replied that the notices sent out are essentially saying that it's a dangerous building, so if he fails to do it, then the city can order that it be done, hire out the work and then assess the costs to the property. Sarah noted that the dangerous building ordinance has more to do with the siding and if the building is falling apart. The dangerous buildings items would include siding, windows, roof; getting the entire structure enclosed and weather-tight. Mr. Burner shared that he did take down the extra addition/rafters he was going to install above the garage at 190, and he decided to remove the 3<sup>rd</sup> garage stall entirely. So that area needs to be covered as well. CM Stoddard noted that an interior inspection should be completed on both properties to ensure that exterior work is not being wasted if the whole framework is shot. Mike shared for transparency that if he sees some things that are suspicious, that he is not qualified to say it is structurally not sound, and a recommendation would be made for Mr. Burner to consult a structural engineer or somebody who is qualified to come in and provide guidance on load distribution so it's properly supported. That wouldn't be something he would be trying to decide for him. He can go in and at least make a general review of the condition and report back to the Council. CM Amerman stated he agrees with everything that CM Stoddard & Spelhaug have stated and the city needs to move on the process. If we provide one more month and we don't have any success with getting either property completed, than that should be the end of the line and we need to do

something. Mr. Burner agreed. The group clarified the work to be completed in 30 days would be the windows, siding, and roofing. Mike added that he and Mr. Burner discussed areas of existing work that need replacement due to weather exposure and dry rot; these should be removed and replaced before covered to prevent unknown issues for any potential new property owners. CM Spelhaug stated we want our town to look nice and we want good properties to ensure future property owners aren't surprised by quick patch jobs that were not completed properly. We have been more than fair with the extensions and are hopeful that the work can be completed.

**MOTION, passed – To extend the deadline for Mr. Burner's code enforcement notices to September 1st;  
Stoddard moved, Amerman seconded. RCV; MCU.**

F. Police: Deputy Beckius was absent but emailed the July 2021 report with 15 calls for service; 1-animal; 1-assist fire; 1-disturbance; 1-fireworks; 2-gas drive off; 1-loud noise; 2-medical assist; 3-public assist; 1-suicidal person; 1-suspicious; 1-welfare check.

G. PWS

- Street sweeper was listed on public auction with Helbling Auctioneers. Reserve bid was \$15000. No bids. Current expense for this is just under \$500. Interested buyer from Nebraska called the day after closing inquiring, stating that he missed the ending bid date. Discussed options if interested buyer is serious. Will check with Helbling on relisting options.
- Performing maintenance checks on equipment for snow removal.
- Planning vacation from Aug 24<sup>th</sup>-30<sup>th</sup>; Shelton and Mike Brown will help oversee PW duties
- Kindred Days turnout was great! A lot of positive feedback on council presence, liked the spread of activities to downtown, fire department at 52 runners for the 5K and questions on the station being full-time staffed even though it is volunteer. A few noted that additional shade/tents in the green space would have been nice, but overall, all positive comments!

H. Engineering:

- **Wastewater Treatment Improvements; Sewer Improvement District 2019-1**: KPH intends to start construction late August at the new lagoon site and work their way east to town. A preconstruction meeting will be held the week of August 16<sup>th</sup>. ND CWSRF Loan Application for the increase/additional loan amount of \$2,500,000 was reviewed; the original loan application did not include the "Phase 2" of waste water upgrades/expansion of the main sewer lift. Per CM Spelhaug, weed control invoices will be coming in from Dale Torgerson for maintaining weeds at new lagoon site.

**MOTION, passed – To approve submitting CWSRF Loan Application for \$2.5 million;  
Stoddard moved, Spelhaug seconded. RCV; MCU.**

**MOTION, passed – To approve Resolution of Governing Body of Applicant;  
Stoddard moved, Spelhaug seconded. RCV; MCU.**

**MOTION, passed – To approve Moore Engineering Inv 27615 for \$21,950.00;  
Spelhaug moved, Stoddard seconded. RCV; MCU.**

- **Newport Ridge Phase 4; Improvement District 2020-1 & Water Looping Project 2020-2**: Punch list items are being reviewed this week, final inspection soon.  
**MOTION, passed – To approve Moore Engineering Inv 27593 for \$1,200.00 & 27617 for \$2,770.00;  
Spelhaug moved, Stoddard seconded. RCV; MCU.**

- **Capital Improvements Plan**: Meeting with Cass Rural Water soon to discuss the Water Purchase Agreement, which has been drafted and is ready for Sarah to review.

- **Downtown Improvements**: Council provided Brandon with an update on feedback and public response to the "soft" introduction of the DVP at Kindred Days. Many were excited to see a plan for improvements, and almost all wanted to know how the project may affect them financially. About 20-ish people were seen scanning the QR code to view the 3D imagery of downtown before and after. One person noting the need for "new box cars". A community input meeting was tentatively scheduled for September 29<sup>th</sup>, at which Moore Engineering could attend. Review of the budget for the project, CM Stoddard didn't feel the meeting would be necessary as most public/businesses seemed to have positive response to the plan. Moore can provide the cost evaluations (in phases), utility upgrades and grant sources.

**MOTION, passed – To approve Moore Engineering Inv 27618 for \$2,550.00;  
Stoddard moved, Amerman seconded. RCV; MCU.**

- **Dakota St & 5<sup>th</sup> Ave N Sidewalk Improvements:** Discussions with CM Stoddard and others suggest that these improvements could be well-suited and most efficient to work with or during the school expansion project. Transportation Alternative (TA) (new "safe routes to school") grant funds are a possible source, but applications are due in November. Are there other areas in town that need sidewalks? Dakota St and 5<sup>th</sup> Ave N make this a small project. Engineering studies can be fairly expensive on a small scale. Identifying other areas in need and including them in the study, does not increase the cost of the engineer study very much, but allows for additional properties to split those expenses amongst. Discussed various areas. CMs and staff will review areas in need.

I. Auditor Report

- State Fire & Tornado Fund insurance policy has now been moved to Kindred State Bank Insurance Agency. Will work with KSB and Mike Brown on updating all city and park board properties.
- Kindred Days flyers went out mid-July, City summer newsletter went out last week.
- Jackie was on vacation from July 14-27 and is out this week as well.
- Discussed nuisance notices that were sent out for removal of weeds at 470 Elm St and 181 5<sup>th</sup> Ave N. Will send reminder notices to complete work, as well as notices for 241 Linden St on weeds/garbage/fence repair and 151 Maple St on compost/chickens.
- Work on Grand Farm proposal was lengthy but collaborative efforts of everyone involved was great! CM Stoddard was very impressed with the final product and all the letters of support.

J. Council Reports: None.

**ADJOURNMENT**

**MOTION, passed – To adjourn meeting at 8:44pm;  
Stoddard moved, Amerman seconded. RCV; Motion carried unanimously.**

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

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Jason DuBord, Mayor

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

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