

KINDRED CITY COUNCIL – MEETING MINUTES

Monday, April 10, 2023 (Rescheduled from April 5, 2023) | 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 and Anthony Sommerfeld, Cass County Sheriff Deputy Bryce Noonan, Building Inspector Mike Blevins, Lydia Ronningen, Joel Ronningen, Mark Ottis, Mark Erickson, Barbara Rude, Eric Merhiy.

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

OLD BUSINESS

FM MetroCog: No current update; on hold. CM Spelhaug shared he would still like to continue to move forward on this.

NEW BUSINESS

2023 Flood Outlook: CMs and PWS Schock attended the Cass County Public Information Flood Fight meeting on March 29. Officials report that a flood event similar to 2019 is expected, depending on inflows. Temperatures look good at this point for a decent/slow thaw. With the amount of snow in ditches, there are some concerns about culverts thawing in time to allow for proper water flow. Discussion of declaring a state of emergency so the city is prepared to take action, could seek funding reimbursements, and request the assistance of the US Army Corps of Engineers if needed. The USACE resolution and cooperation agreement provides assistance for flood emergency preparation and flood fighting and rescue operations should it be necessary. **MOTION**, passed – To approve the 2023 Flood Emergency Declaration. Stoddard moved; Peraza seconded. RCV; MCU. **MOTION**, passed – To approve Mayor Kersting as the authorized representative for the Resolution (Request for Emergency Flood Assistance). Spelhaug moved; Peraza seconded. RCV; MCU. **MOTION**, passed – To authorize CM Spelhaug and CM Peraza to sign the Resolution and appoint PWS Rich Schock as Incident Commander. Johnson moved; Stoddard seconded. RCV; MCU. **MOTION**, passed – To authorize Mayor Kersting to sign the Cooperation Agreement. Spelhaug moved; Peraza seconded. RCV; MCU.

Airborne Vector Control 2023 Mosquito Control Contract: Annual contract for services. After many years without price changes, 2023's contract reflects an increase from \$2.80 per acre to \$3.10 per acre. With a coverage area of 535 acres, this increases each application by \$160.50. The City budgets for three applications each year; in 2022 only two were completed as conditions were favorable. **MOTION**, passed – To approve the 2023 Airborne Vector Control Mosquito Control Contract. Spelhaug moved; Peraza seconded. RCV; MCU.

Annual Garbage Rate Increase per Waste Management Contract: Auditor Arnaud reported that per contract, garbage rates increase 2.5% annually on May 1. The new rates have not yet been confirmed by WM, in part due to a change in personnel. Arnaud requested the item be tabled to next month for further evaluation. **MOTION**, passed – To table the garbage rate increase to next month. Spelhaug moved; Peraza seconded. RCV; MCU.

BUILDING INSPECTOR/CODE ENFORCEMENT

Building Inspector Mike Blevins reported there have been no new building permits issued last month. Year-to-date, one permit has been issued compared to six for the same time in 2022.

POOLS/PARKS

Reviewed the updated quote to update/replace items in the mechanical room of the pool. At the February 23, 2023 meeting, Council approved up to \$22,000; the final total is \$21,824.78. Arnaud prepared the 50% downpayment; work will be completed prior to opening this season. Also reviewed the updated proposal for the PVC membrane liners to both pools, which includes a price increase since the proposal provided February 24, 2023; \$67,018.00 covers the cost to install the liner and coping wrap (this covers the tiled area along the edge of the pool). This will provide a cosmetic update to the pools, as well as prevent further maintenance and potential water loss from the cracks in the pool that showed up a few years ago. This upgrade includes a 10-year warranty and should extend the life of the pools beyond that with proper care/maintenance. **MOTION**, passed – To approve My Aquatic Services 4/10/23 Pool Liner Proposal for \$67,018.00, using Sales Tax Fund. Peraza moved; Stoddard seconded. RCV; MCU. Discussed the annual sublease agreement between the City and Park District

for management of the pool. There were no comments or requests for revisions after meeting with the Park Board in February. Council can approve at this meeting and Park Board can approve at their meeting. **MOTION, passed – To approve the 2023 Kindred Pool Sublease Agreement. Stoddard moved; Peraza seconded. RCV; MCU.**

PLANNING & ZONING

P&Z did not meet in March due to lack of a quorum. Member Joel Ronningen was appointed to the board but there is still one board member vacancy remaining.

MARKETING

Arnaud provided a proof and estimates for the summer banners. Discussed quantities and related discounts when ordering certain quantities (qty 21 [Hwy 15 to 4th Ave] = \$74 each; qty 30 [Hwy 15 thru downtown] = \$65 each) and not being able to install on the downtown poles due to condition of the poles. Still researching options for downtown poles. **MOTION, passed – To purchase a minimum 22 summer banners. Peraza moved; Stoddard seconded. RCV; MCU.**

POLICE REPORT

Deputy Noonan presented the March police report with 18 calls for service as follows: 1 assist fire, 5 medical assists, 1 suicidal person, 1 suspicious, 7 traffic complaints, 2 disturbances. He reported that county road restrictions are now in effect, advised travelers to be aware of changing road conditions due to regional flooding, and shared that sandbag central is now open. Also discussed pest control shooting inside city limits; NDCC 62.1-02-06 states discharging a firearm in city limits is a class B misdemeanor, air rifles and bb guns are included.

CITY ENGINEER

Wastewater Collection and Treatment Improvements; District No. 2019-1: City Engineer Brandon Oye said while construction work is on hold until the weather improves, the Moore team has been working on record drawings, easements, GIS web mapping, and permits for the new lagoon ponds. **MOTION, passed – To approve ME Invoice 33086 for \$5,056.75. Stoddard moved; Peraza seconded. RCV; MCU.**

Dakota St Sidewalk, Spruce St and Elm St Drainage Improvements: Oye shared the school is now looking at a full opening of their expansion in November, instead of August. This could allow a little more time to work on finalizing the project. Reviewed Engineering Agreement Amendment No 2 for design and bidding services; includes sidewalks along Dakota St, widening Dakota St at Cass Cty Hwy 15, right-of-way dedication for east end of Dakota St, plan to bid the project this spring with substantial completion by mid-October. **MOTION, passed – To approve Engineering Agreement Amendment No. 2 for Dakota St Sidewalk Improvements. Spelhaug moved; Stoddard seconded. RCV; MCU.**

Storm Water Management Assistance: Oye presented the draft Storm Water Management Ordinance No. 2023-101 for review and first reading. Attorney Wear noted she has a couple minor revisions however edits can be made before completing the second reading. **MOTION, passed – To approve Ordinance 2023-101 regarding Storm Water Management. Stoddard moved; Spelhaug seconded. RCV; MCU.**

Floodplain Ordinance: Draft ordinance still under review by the state, have a meeting arranged for Wednesday.

Plains Addition Plat (Water Reservoir property): Waiting on title opinions before proceeding with final plat. **MOTION, passed – To approve purchase agreement for 1.41 acres land from Mark Ottis for \$55,000.00 contingent on completion of title opinions. Spelhaug moved; Peraza seconded. RCV; MCU.**

Newport Ridge – Phase 5; District No. 2023-1: Meeting with developers, considering plans to plat the remaining land and complete as a full final phase.

Application for Lead Service Line Inventory Assistance: The EPA's Safe Water Drinking Act Lead and Copper Rule Revisions (LCRR) provide guidance for public water systems to create an inventory of service line materials by October 16, 2024. ND Dept of Environmental Quality ([NDDEQ](#)) is offering assistance to water systems to complete these LCRR inventories. An application for assistance can be submitted, and once NDDEQ has selected firms to assist one would be assigned to the community to research and document service materials. As Moore is the City's engineering firm, they can assist with

completing the application for assistance and potentially be assigned to the city by the state. **MOTION, passed – To approve the Resolution of Governing Body of Applicant to submit an assistance application for lead service line inventory. Peraza moved; Stoddard seconded. RCV; MCU.**

Drain No 60 Maintenance Agreement: Agreement has been received and is still under review.

Master Services Agreement: On hold at this time.

PUBLIC WORKS

PWS Schock shared they plan to keep the snow removal equipment ready for use until July...just in case. (Snow, snow, go away!) May try to assist Parks & Rec with removing snow from softball fields, attempt to clear the fields quicker. Will be monitoring river levels and thawing conditions for flood concerns. Going through equipment for maintenance and preparing some for disposal/sales.

AUDITOR REPORT

Consent Calendar: Auditor Arnaud apologized that financials did not get printed and put into packets due to time constraints/snow days. The total unpaid bills are \$35,775.25. **MOTION, passed – To approve Delinquent Utility Accounts List, Bills for payment and financial reports for March 2023. Peraza moved; Stoddard seconded. RCV; MCU. MOTION, passed – To approve Meeting Minutes of 03-13-2023 & 03-15-2023. Spelhaug moved; Peraza seconded. RCV; MCU.**

COUNCIL & MAYOR REPORTS

CM Peraza: Thanks to Public Works and City Hall staff for hard work during snow days!

[7:55 pm – 8:01 pm] Short recess while tables/seating were rearranged for next agenda item and public attendees departed.

EXECUTIVE SESSION – Sewer Improvement District 2019-1; Notice of Claim filed by KPH

Mayor Kersting stated the next item on the agenda is in regard to a Notice of Claim filed by KPH related to Sewer Improvement District 2019-1. This item may be discussed in an executive session. The legal authority for closing this portion of the meeting is North Dakota Century Code section 44-04-19.1. The topic or purpose of this executive session is to consult with the city attorney regarding and in anticipation of reasonably predictable or pending civil or criminal litigation or adversarial administrative proceedings or to receive its attorney's advice and guidance on the legal risks, strengths, and weaknesses of an action which, if held in public, would have an adverse fiscal effect on the City of Kindred.

MOTION, passed – To move into executive session. Spelhaug moved; Peraza seconded. RCV; MCU.

Mayor Kersting noted there were no members of the public in attendance. The meeting minutes will show that the executive session began at 8:03 pm. City Council met in executive session to discuss a Notice of Claim filed by KPH related to Sewer Improvement District 2019-1. Present were Mayor Darrell Kersting, CMs Adam Spelhaug, Julie Johnson, Shad Stoddard, and Ozzie Peraza. Also present were City Attorney Sarah Wear, PWS Rich Schock, and City Auditor Tabitha Arnaud.

The meeting minutes will show that the executive session adjourned at 8:35 pm. The public was invited to return to the to the meeting room with the open meeting session resuming at 8:35 pm.

ADJOURNMENT

MOTION, passed – To adjourn meeting at 8:35 pm. Spelhaug moved; Stoddard 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