

## KINDRED CITY COUNCIL – MEETING MINUTES

Wednesday, February 1, 2023 | 7:00 pm | Kindred City Hall

**MEETING CALLED TO ORDER AT 7:01 pm** by Mayor Kersting with CMs Spelhaug, Stoddard, and Johnson (7:08 pm) present. Absent CM Peraza. Others present: PWS Rich Schock, City Auditor Tabitha Arnaud, City Attorney Sarah Wear, City Engineer Brandon Oye, Anthony Sommerfeld, Cass Co Deputy Bryce Noonan, Mark Erickson, Lydia Ronningen, Joel Ronningen, Mark Ottis, Cindy Gray, Adam Altenburg, Nate Opgrand, Jamie Swenson, Megan Glasow.

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

### NEW BUSINESS

**Renaissance Zone Application for Korner Holdings LLC:** Nate Opgrand presented his [application/plans](#) to construct a new commercial facility at 5390 165 Ave SE, the corner of Cass County Hwy 15 and ND Hwy 46. Located in RZ Block 36, at the south “gateway to the community”, Opgrand shared plans to redevelop the lot that once housed an old auto repair shop and café. The structures were demolished in 2021 by the previous owner. Estimated capital investment of \$2.5 million includes about 6,000 sq ft of commercial office space, a diner/coffee shop, and retail spaces that will be available for lease. 24/7 fueling stations with diesel will also be added. Opgrand estimates the fueling service to be operational by the end of 2023, with the commercial space available by early 2024. He noted the improvements will provide goods/services that residents currently seek in other communities, offer employment/entrepreneur opportunities, and increase sales tax revenues for the city. RZ Committee Members Jamie Swenson and Megan Glasow attended to share the RZC reviewed the project application at their January 10, 2023 meeting. As the project meets the goals of the RZ Development Plan and passed the scoring requirements, the RZC approved the application. They also noted that this type of investment at this prime location will not only be a visual improvement but a great benefit for the community and travelers on Hwy 46. **MOTION, passed - To approve the Korner Holdings LLC RZ Project Application for 5390 165 Ave SE. Spelhaug moved; Stoddard seconded. RCV; MCU.**

**Planning Presentation by Fargo Moorhead Council of Governments (FM MetroCog):** Cindy Gray, Executive Director of Fargo-Moorhead Metropolitan Council of Governments (Metro COG), discussed with the board the process for a [Comprehensive Plan Update](#) that she presented at the November 16, 2022 P&Z meeting. Metro COG works with Member Jurisdictions and Associate Members to assist and plan for transportation needs in the greater Fargo-Moorhead area. The City of Kindred with a population of 600 or more (2022 estimate: 889), would qualify to be an Associate Member of Metro COG, of which there is no cost. As an Associate Member, designated City representatives would receive information about transportation planning studies and funding opportunities, and are eligible to request planning services from Metro COG which can be partially funded by Federal Transportation Planning funds. Ms. Gray shared the scope of work for an updated Comprehensive plan, such as project management, coordinating public involvement and outreach with the ability to host a webpage for information and surveys, creating a community profile of existing conditions, a land use and transportation plan for future growth and/or redevelopment. The scope of work would be rounded out with goals/policies, an implementation plan, and an executive summary. Adam Altenburg, Community and Transportation Analyst, shared that they have recently completed comprehensive plans for Clay County, MN, Dilworth, MN, and Casselton, ND, and are currently engaged in conversations with the City of Mapleton. They also completed a Traffic Calming Study for the City of West Fargo. Ms. Gray stated that the process of building a plan is just as important as the plan itself; key city representatives and stakeholders would be identified to help guide the scope of work requested, a contract would be completed, data on existing conditions would be reviewed, and the group would engage the public to gather input on what the community would like to see for improvements/additions. The entire process can take between 8-18 months depending on participants involvement and feedback. Group availability is key to keep the project moving forward in a timely fashion, with monthly meetings recommended. Ms. Gray stated that as Metro COG is a government agency and has access to federal funding dollars, costs of these types of plans are fairly reasonable; estimating about \$20K-\$25K for a completed comprehensive plan. City Engineer Brandon Oye stated that a Comprehensive Plan is heavily dependent on the feedback received from the public, stakeholders, and city officials; once the plan is complete, the “real” work begins to implement the plan by finding ways to create the visions that the plan identifies. Land use was identified as a large component of the plan; it can assist the city when new developers or businesses are looking to move into the city. CMs discussed the current Comprehensive Plan, Kindred Plan 2020, that was completed in 1999 by Mazaheri Associates and reviewed in 2011-2012 by USDA Rural Development and NDSU Department of Architecture students. Council agreed it would be wise to update the plan as the community has changed since the completion and review of the last comprehensive plan.

They will review the proposal and examples MetroCog provided then discuss again. Ms. Gray said that a more detailed scope of work and budget could be put together and presented at any time.

### **BUILDING INSPECTOR/CODE ENFORCEMENT**

**241 Linden St:** No update since last month. Property owner must complete requested work on or before May 1, 2023.

**940 Elm St:** Arnaud provided an update as this property was brought to the attention of Mike Blevins for concerns. The mobile home on the property suffered severe water damage due to frozen/broken water lines. The owner requested the water to be turned off at the curb stop, and electrical service has been terminated as well. Property is now vacant and the owner will likely be demolishing the mobile home this spring.

### **POOLS/PARKS**

Special joint board meeting with Park Board to introduce all new board members, discuss pool improvements, and upcoming 2023 season is scheduled for February 23 at 6:30pm.

### **PLANNING & ZONING**

Auditor Arnaud shared that there is still one P&Z board member vacancy and a second vacancy will soon be available. Member Vicki Thompson will not seek reappointment after her term expires at the end of February. Thank you for your 15 years of service, Vicki!! Vacancies will continue to be posted on the City's website ([www.KindredND.com](http://www.KindredND.com)) and included in the upcoming March/April newsletter. Interested parties can contact any board member or City Hall, or attend the monthly meetings held the third Wednesday of each month.

### **MARKETING**

Arnaud noted the "Welcome to Kindred" signs are still on the list of improvements and a discussion topic for the joint meetings with the Park Board. Recently had a resident reach out about assisting with any graphic design needs.

### **POLICE REPORT**

Deputy Noonan presented the [January 2023](#) police report with 6 calls for service as follows: 1 medical assist, 3 suspicious, 1 traffic complaint, 1 disturbance. He also discussed a new [Registered Offender Notice](#); noted this is not a registered sex offender notice, registration level is low/moderate due to an incident in 2019, and schools have been notified. Deputy Noonan also presented the [2022 annual report](#) with a total of 1001 calls for service and 1127 hours recorded in the community. Question on the decrease in quantity of Building Checks from 2021 to 2022: in 2021, each building check was counted as one call but beginning in 2022, each area of buildings is counted as one call. Ex: in 2021, 8 downtown buildings would have been recorded as 8 building checks; in 2022, it was recorded as 1 building check for the whole area (notes within software provide addresses of each). Council thanked Deputy Noonan and Cass County Sheriff's Department for their commitment and support!

### **CITY ENGINEER**

**Wastewater Collection and Treatment Improvements; District No. 2019-1:** Brandon Oye shared that substantial completion of the project was certified to KPH effective January 11, 2023. There are some smaller punch list items that remain, yet the largest component of reaching final completion is decommissioning the old wastewater cells. KPH wanted to work on that this winter and requested to sample the remaining wastewater to see if a discharge to the Sheyenne River would be allowed. PWS Schock took sample and test results were not within acceptable levels so NDDEQ did not approve the discharge at this time. Oye presented the Contractor's Application for Payment No. 11 requesting \$265,262.09. Due to the delay beyond the substantial and final completion dates, the recommended reduction for liquidated damages totals \$578,000.00 (as contract allows). This reduces the CAP#11 to a \$0 payment. CM Spelhaug noted that it is worth waiting until the project is complete to evaluate the full extent of the project costs and recommends decreasing the payment per the agreement in the contract. Once the project is complete, any liquidated damages withheld will be reviewed and can be processed with the contractor's final payment request or as a separate payment. **MOTION, passed – To approve Contractor's Application for Payment No. 11 for \$0, withholding \$265,262.09 for liquidated damages. Spelhaug moved; Johnson seconded. RCV; MCU. MOTION, passed – To approve ME Invoice 32449 for \$30,924.38. Spelhaug moved; Johnson seconded. RCV; MCU.**

**Dakota Street & 5<sup>th</sup> Ave N Sidewalk Improvements:** Oye shared ME met with CM Spelhaug, CM Stoddard, Schock, and Arnaud to discuss this project further. This project began as a goal to improve pedestrian safety for all residents, with an extra focus on the increase in foot/vehicle traffic due to the middle school addition and high school expansion. The school staff has been

involved in discussions and is working with the City to implement some of these changes along with their building project, sharing a cost of the improvements. Proposed Dakota St improvements are removal of the crosswalk and addition of a turn lane at Cass Hwy 15 to help with traffic congestion, installation of sidewalks/crosswalks from the cul-de-sacs on the south to the north side, and realignment of the crosswalk at the intersection of 5<sup>th</sup> Ave N. In order to properly install/replace sidewalks, some areas will also need storm drainage improvements so water flows are not restricted during spring thaw and heavy rain events. Proposed improvements for portions of the 500 block of Spruce St and Elm St are also being considered. As 5<sup>th</sup> Ave N is a main road connecting the south area of town to the north truck route and school area, pedestrian safety was also reviewed along this corridor. Currently, there are sidewalks on both sides of the road, however, there are a few sections in disrepair and some sections missing entirely. After lots of dialogue and review of alternate options, it was proposed that new sidewalks be placed on both sides of 5<sup>th</sup> Ave N with some drainage improvements on the east side of road. CM Spelhaug noted that the increased foot/vehicle traffic in the area is concerning and needs to be addressed; widening the road and adding a walking path to one side is not too safe with the extra vehicles; repairing drainage issues from the fire station to the grocery store will be a large benefit to the community and patrons. Oye noted that the concept plans presented in this engineer report were prepared as examples based on discussion of needs and are not yet final. After council declares the work is necessary, preparation of detailed plans and specifications would follow. Oye reviewed the cost estimates, sharing that construction costs are very difficult to pinpoint right now due to volatility in the market. The cost estimates are always based on recent average historical construction pricing, which has been changing rapidly with the volatile market.

Discussed estimated costs, financing, assessment options, and [preliminary improvement district boundary](#). As a portion of the sidewalk improvements by the school and drainage improvements would be a benefit to everyone in the community, it was suggested that part of the project expense could be a regional assessment. While the expenses for sidewalks would be locally assessed to the abutting property owners as City ordinance (Chapter 2-01) allows. Oye noted that the estimates include the typical 100% Moore Engineering involvement; options for the City (staff or council members) to handle portions of the project supervision or other areas could reduce the total costs. Further discussion on the goal to complete at least the Dakota St sidewalk portion by August 2023, grant funding options, and the City funding a portion of the expenses with reserve funds. It was confirmed that taking this next step of declaring the work necessary and creating the improvement district does not commit the City to completing the project. The project design would be completed and would require City Council approval to be put out for bids, as well as for awarding the project. Any special assessments would be processed per ND Century Code and approved by the Special Assessment Committee and City Council before being added to property taxes. **MOTION, passed – To approve the following resolutions: creating Sidewalk and Drainage Improvement District 2023-2, directing engineer to prepare report, approving engineer’s report, and declaring work necessary. Stoddard moved; Spelhaug seconded. RCV; MCU.** A special City Council meeting will be held at City Hall for a protest hearing on Monday, March 13, 2023 at 7pm.

**Storm Water Management Assistance:** Oye presented the draft Storm Water Management Policy. The intent of this policy is to provide guidance for developers/contractors to help manage storm water runoff impacts to surrounding areas. No action necessary tonight; review and reach out with questions/comments. Final draft and ordinance will be on the agenda for next month’s meeting.

**Floodplain Ordinance:** Discussion on final topic for the ordinance: process of handling areas removed from the floodplain via a LOMR-F. Agreed the middle option of requiring a Pre-Construction Elevation Certificate would be adequate. Final draft ordinance will be sent to the State to review prior to City adopting.

**Plains Addition Plat (Water Reservoir property):** Waiting for the title work to be completed before completing the final plat.

**Newport Ridge – Phase 5; District No. 2023-1:** Project on temporary hold.

**Water Reservoir Improvements:** On hold at this time.

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

**Master Services Agreement:** On hold at this time.

**Client Appreciation Event:** This event will be tomorrow night.

**2022 General Engineering Services Invoice:** Oye presented an invoice for ME staff time throughout 2022 for assistance to the City on various topics (Grand Farm, spring flood preparation, Kindred Days mapping, email/phone/meeting time, civil site plan reviews, and plat reviews). Invoice total \$34,363.58 – discounted to \$0! THANK YOU, MOORE ENGINEERING!

### **PUBLIC WORKS**

PWS Schock reported PW Assistant Tronnes will be out for a week on paternity leave (baby #1 arriving any minute!) They have been trying to keep up on snow removal and continual street maintenance. Snowblower was damaged and needed parts/repairs (thanks to Deputy Noonan for assisting PW with late night repairs!). Streets really fell apart again with the warm temps softening the snow pack. Was able to call in reinforcements and get streets bladed/scraped down. Seem to be much better now, but watching constantly for areas that need more help. Will be looking at moving out snow pile by City Hall to prevent thawing/drainage problems along 5<sup>th</sup> Ave N. Schock noted that the big temperature swings are starting to cause water lines to shift/move just enough to break deposits loose. The mineral deposits are then flushed into the service lines and property's fixtures. Copper and lead service lines seem to be the recurring culprit of water discoloration, although any service line material can be subject to mineral deposit buildup. Reminder to anyone experiencing water discoloration or odor issues to contact City Hall at 701-428-3115 or [cityofkindred@msn.com](mailto:cityofkindred@msn.com). Public Works can assist with an inspection and/or flushing of service lines to try and identify the cause of the problems, as well as possible solutions.

### **AUDITOR REPORT**

Consent Calendar: **MOTION, passed – To approve Meeting Minutes of 01-04-2023; Delinquent Utility Accounts List; and Bills for payment and financial reports for January 2023. Stoddard moved; Spelhaug seconded. RCV; MCU.**

Preliminary 2022 Year End Reports will be prepared and ready in a few weeks.

ND State Bonding Fund: City of Kindred Declaration Received for Coverage 12-13-2022 thru 12-13-2024, with a limit of liability at \$1,360,798. The State determines this value based on financial data provided for the previous year. This amount is higher than before due to the large amount of grant funds and expenses for the lagoon project. **MOTION, passed – To approve the resolution setting the bond of the City Auditor at \$1,360,798.00. Spelhaug moved; Johnson seconded. RCV; MCU.**

Health Insurance (Section 125 POP) Plan Renewal Documents for March 1, 2023. These documents continue to allow employee health insurance deductions and City contributions held on a pre-tax basis. **MOTION, passed – To approve the Section 125 POP Adoption Agreement and Certificate of Resolution effective March 1, 2023. Stoddard moved; Spelhaug seconded. RCV; MCU.**

### **COUNCIL & MAYOR REPORTS**

CM Spelhaug: Reported he had calls on the closure of Baby Buckaroos. This is a big loss for our community. Co-owner Mark Erickson was present and shared that staff shortages are the main issue; without proper staff, teacher/child ratios cannot be met; infants require the highest ratio and for good reason; job openings have been posted endlessly without applicants responding; had to make a very tough decision to close the Baby building. Spelhaug will reach out to state legislators to see what can be done to help with the daycare needs, encourages others to do the same.

CM Stoddard: Reported that many of the lights at the Memorial Building are in need of repair. Discussed options; fixtures are old style ballast and replacement is the better option. Replacing with LED light fixtures is on the list for the energy efficiency grant, but we are still waiting on the energy analysis form from the HVAC contractor before the grant application is submitted.

Mayor Kersting: Kindred Wildlife Club used the Memorial Building for their annual benefit and noted many maintenance issues. They were able to make some small repairs like fixing loose moldings and ceiling panels. KWC would like to offer some help to give the building a bit of a facelift.

### **ADJOURNMENT**

**MOTION, passed – To adjourn meeting at 9:24pm. Spelhaug moved; Stoddard second. RCV MCU.**

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

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Darrell Kersting, Mayor

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Tabitha Arnaud, City Auditor

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Date approved