

KINDRED CITY COUNCIL - REGULAR MEETING MINUTES
02-02-2022 at 7:00pm – Kindred City Hall

MEETING CALLED TO ORDER AT 7:00pm by Mayor DuBord, CM Spelhaug, Peraza, Stoddard present. Absent: CM Amerman. Others present: City Engineers Brandon Oye & Anthony Sommerfeld, City Attorney Sarah Wear, PWS Rich Schock, Auditor Tabitha Arnaud, Deputy Auditor Jackie Johnson, Building Administrator Mike Blevins, Nate Opgrand, Mark Ottis, Lydia Ronningen, Jan Russell, Liz Mars, Jeff Miller, Parks Director Mike Brown, Andrea & Ryan Janowicz.

APPROVE AGENDA

MOTION – To approve the agenda with revisions;

Stoddard moved; Peraza seconded. RCV (Roll Call Vote); MCU (Motion Carried Unanimously)

COUNCIL BUSINESS

A. Boards & Committees

- **City Tree Board**: Parks Director Mike Brown has been working to complete the certifications needed with the ND Forest Service (NDFS) to reinstate Kindred as a Tree City USA community. This was previously completed in 2014 so a tree ordinance is already established. Mike has been recruiting residents to be part of the City Tree Board. One interested resident is Liz Mars, who previously worked for the NDFS under Community Forestry Specialist Mary O'Neill. Liz discussed a few of the diseases that are common in trees, the large expenses to mitigate them. Ash trees are highly susceptible to Emerald Ash Borer (EAB), which are the trees along the County Hwy 15 bike path, so a plan should be created to establish a new species of trees along this route before the EAB damages the existing trees. NDFS has grants available to help remove/replace diseased/dying trees and being a Tree City USA gives the community "bonus" points, increasing the potential funds. The ND Tree Inventory/Planning (TIP) Tool is a program that helps identify and track the species of trees within a community, can be utilized to regulate the percentages of certain species, and assist with planning for future planting projects as well. A group of NDFS interns recently updated some of the "public" trees in Kindred during the summer of 2021. Liz noted that Maple trees are another popular tree that is not recommended anymore. Other interested board members are Jeff Miller (Cass County Soil Conservation), Craig Olson (Kindred Park Board), and Mike Brown (Kindred Parks Director). Discussed term lengths, revising the ordinance if needed, and creating a list of tree species that can be provided to the community when property owners are considering landscaping. Liz also shared that having an active Park District increases the opportunity for grants, since cities and park districts can each apply separately.

MOTION – To appoint Liz Mars, Jeff Miller, Craig Olson, & Mike Brown to the City Tree Board; Peraza moved; Stoddard seconded. RCV; MCU.

- B. **Pool/Parks**: Parks Director Mike Brown reported that he is still waiting on one quote for the crack repairs at the pool. He said that he wants to help evaluate all possible options and not rush a decision that could cost more money than needed. He and the Park Board Members discussed at their last meeting and feel that filling in the cracks and operating this coming season might be the best bet. Last season, the cracks remained unfilled/unrepaired for insurance purposes and there was no significant water loss noted. Most contractors are booked already and trying to make the repairs in the spring may cause conflict with opening the pool on time this summer. There are other options that can be explored in more detail with potential for future updates to the pool. Plan to discuss further at the next co-meeting with City Council and Park Board Members in April.

C. New Business

- **Rezone Request at 931 Elm St, SFR-3 to MFR-4**: Nate Opgrand is exploring his options for new construction at 931 Elm St after the demolition of the existing single-family dwelling is completed this spring. He is considering a 4-plex unit that would require the property to be zoned Multi-Family Residential (MF-4) District instead of Single-Family Residential (SFR-3). He shared that a MFR parcel would create a buffer between the SFR properties to the east of this and the Industrial zoned properties to the west. He provided draft plans showing the potential for a 3-story complex, with attached garages for each unit. These would be town homes, not apartments, with an estimated 2000 square foot in each unit. The lot frontage provides plenty of space to place the structure with all driveway entrances on Elm St; side/rear setbacks will not be a problem; properties would have a large back yard. Nate said he would invest more time/funds in a proper site plan and explore various options for layouts after finding out if a rezone request would be approved. He shared that this would be one unit owned by Viking Homes but could consider parceling out each unit for individual sale or selling the whole property to an interested party. Public works did not note any concerns. A public hearing was held at the January 19, 2022 P&Z meeting, at which the board did approve the rezone request. The public hearing notices for city council were not completed for this meeting, so the public hearing will be held at the March council meeting before 2nd reading is approved.

MOTION – To approve the 1st reading of rezone request for 931 Elm St from SFR-3 to MF-4; Stoddard moved; Peraza seconded. RCV; MCU.

- Spring Brook Tavern Off Site Permit Applications:

MOTION, passed – To approve Spring Brook Tavern off-site permits for 02-05-2022 & 03-26-2022; Spelhaug moved; Peraza seconded. RCV; MCU.

D. Old Business

- Grand Farm Proposal: CM Spelhaug said he did confirm that the land owned by Grand Farm would not be tax exempt, so that would create additional revenue for the community. He understands that Casselton site options are not within their city limits and they did not offer any financial assistance as part of their letter of support accompanying the grant application. Tabitha spoke with Dana Peterson who asked that the community “save the date” for an announcement on February 14 (likely related to the ND Dept of Commerce grant application), and that the Grand Farm and Emerging Prairie board members still intend to co-meet on February 22 when they anticipate making a decision on the selected community for Grand Farm Campus.

E. Building Inspector/Code Enforcement: Mike Blevins updated council on the demolition and contaminated soil concerns at 313 Hwy 46. Mike has had inquiries from the new property owner regarding future construction plans. The ND Dept of Environmental Quality has provided verbal approval that the contaminated soil has been mitigated but is going to wait for final written confirmation from the state prior to issuing a building permit for this site.

F. Planning & Zoning: Mike Blevins shared that no building permits have been issued for 2022 yet. 2021 had a total of 37 permits issued with 15 of those being new single-family residential units. A great year for Kindred!

G. Marketing: Mayor DuBord shared that Kindred Area Arts Partnership (KAAP) has inquired about the possibility of creating streetlight banners featuring various art by local artists. Tabitha also spoke with KAAP and expressed that there have been other inquiries about businesses purchasing or sponsoring banners. We are waiting on quotes from our supplier for custom banners and those with more than one image. CM Spelhaug said that there would need to be some time limit for the banners to remain, since the city doesn't have the means to change out the banners every few weeks. He also said he would like to see the images limited to two different designs, possible one on either side of the street. Mayor DuBord offered to help tailor a policy if needed. Council said that if KAAP or another business/organization would like to present/request banners, they should come to a council meeting with their plans/ideas.

H. Police: Our new contract deputy is still out on military leave, Deputy Beckius is still filling in. The January 2022 report listed 20 calls for service with the most going to traffic complaints.

I. Engineering:

- **Wastewater Treatment Improvements; Sewer Improvement District 2019-1:** KPH has not completed much work with winter set in. Moore Engineering invoice is for work from November-January.
MOTION, passed – To approve ME Invoice 29077 for \$24,017.33; Spelhaug moved; Peraza seconded. RCV; MCU.
- **Capital Improvements Plan:** Working on water system summary sheets for CIP.
MOTION, passed – To approve ME Invoice 29081 for \$4,045.00; Peraza moved; Stoddard seconded. RCV; MCU.
- **Downtown Improvements:** Reviewed ME letter explaining the high-level estimates on the project. The full plan as it is presented is about \$8 million for all water/sewer/storm infrastructure and streets/curbs/sidewalks. The project is fluid and could be revised or broken into phases, as well as some portions of it being removed entirely. Brandon Oye said that construction costs will likely increase over time, so the total estimate today could increase as time goes on. The board could evaluate priorities of infrastructure versus beautification to determine which areas to address first, as well as considering the expenses. Having this document prepared and in place will allow the city to quickly apply for any grants that are announced, reducing the impact to the property owners and the community overall.
MOTION, passed – To approve ME Invoice 29078 for \$303.75; Peraza moved; Spelhaug seconded. RCV; MCU.

- **Dakota St & 5th Ave N Sidewalk Improvements:** Moore Engineering, CM Stoddard, and Kindred Public School staff met to discuss sidewalk/crossing improvements on Dakota St and the potential for the improvements to be completed at the same time as the school expansion project in a cost-saving effort. Brandon presented a Letter Agreement to provide engineering services for this project. This would include studies and reports for sidewalk and pedestrian crossings along 5th Ave N and Dakota St, as well as funding administration if needed. The total estimate is \$24,600.00, which includes on-site evaluation in the spring, scheduling meetings with KPS and PW, and preparing cost estimates for the project.

MOTION, passed – To approve Letter Agreement for Dakota St and 5th Ave Sidewalk Improvements; Stoddard moved; Peraza seconded. RCV; MCU.

- **Drain 60 Enclosure:** Hydraulic study is still in progress.
- **General City Engineer:** Discussed the possible requirements for civil site plans. These could be required for any multi-family, commercial, or industrial improvements/construction depending on the site's complexity; typically reviewed prior to the building permit process. Many other communities recommend engineer involvement when larger structures are concerned, creating the need to review a site's drainage, layout, or even larger driveways. The requirement could be waived if city staff examine the project and deem the civil site plans unnecessary. Also discussed the need to implement a private fire hydrant ordinance; this would establish who is responsible for maintenance and repairs needed. PWS Rich Schock shared that this ordinance is a good benchmark to start defining responsibilities between property owners and the city. As a community on the grow, Rich said he would recommend adopting the ordinance. Attorney Sarah Wear confirmed the ordinance would be prepared for the March & April meetings. Brandon Oye stated that the civil site plan would be a working document and could be revised as needed. It would also be incorporated into the building permit process with Midwest Inspections. Mayor DuBord shared that more of this type of forward-thinking is needed; it is good to get requirements/plans in place before it can become a headache with quick growth.

MOTION, passed – To approve the Civil Site Plan Requirements; Spelhaug moved; Stoddard seconded. RCV; MCU.

Engineer Brandon Oye shared a draft invoice for the general city engineer services rendered in 2021. Some work included assistance with Kindred Days event mapping, Fire Dept 5K staking, marketing, meetings and phone calls for various items through the year by Moore Engineering staff. The combined total for the year was \$16,782.92; discounted to \$0.00. Council thanked Brandon and Moore staff! Much appreciation!!

J. PWS:

- Snow removal has been daunting but manageable. Thank you to the anonymous residents for lunch!
- Continuing work to identify undersized and aging infrastructure to include in CIP plan.
- Parks Director Mike Brown has been a big help when available on snow crew time!
- Rich said Shelton is making Kindred a priority and doing what he needs to in order to be in town and ready when the snow clearing begins. They have been running longer hours recently. After a few years of light snows, this year is being tough. They try to help as they are able, addressing the community needs and emergency routes; try to have everything opened and passable by 7-8am to be responsible for citizens. Council shared that Kindred's roads are pretty great and there are other communities they've driven in recently that have much tougher road conditions. Rich said they also try to take time for breaks and watch hours. Council offered full support to take off time later in the week to reduce overtime and provide some relief.

K. Auditor Report

- Mayor DuBord introduced Deputy Auditor Jackie Johnson who attended for council meeting experience if coverage is needed, and thanked her for bringing the newsletter "leaps and bounds" above the rest!
- Consent Calendar: Discussed the Fox Underground invoice for a water repair leak at Upfront Properties apartments on Viking Circle. This repair was done on Christmas Eve with the assistance of Public Works due to contractors being unavailable on a Friday/holiday. CM Peraza was on-site that day and although the damaged water line was not intentional (determined that the leak was caused by a vehicle parking on top of the curb stop in the lawn, shearing the private service line) and so the cost of the invoice would be billed to the property owner, as per ordinance.

MOTION, passed – To approve City Council meeting minutes of 12-01-2021, 12-06-2021, 12-20-2021, and 01-05-2022; January 2022 financials and bills reports; Raffle Permit for Kindred Firefighter Association; Spelhaug moved; Peraza seconded. RCV; MCU.

- Reviewed the Delinquent Utility Bill Accounts, billing/disconnect policies, and city ordinance identifying the responsibility of property owners on rental homes. With snow depths and subzero temps, disconnecting a service (occurs after 60 days past due) would be time-consuming and potentially damaging to infrastructure. Auditor's office has sent repeated emails/letters and made courtesy calls to accounts as needed. Most accounts are paid up before the next billing cycle, but two accounts are over 90 days past due. Half of the accounts on the list are rental properties. Landlords/Owners are provided copies of any notice that is sent to a tenant. Ordinance provides that any unpaid utility bills (either tenant or owner) can be assessed to the property via special assessment if needed. This is a common practice in many communities. Bluetooth shut off valves would be an option to consider, as this would allow wireless ability to shut off water service at the water meter with the use of an app. This unit is installed in one rental property already. The 2022 pricing for the unit is \$470, and would need to be installed by a licensed plumber. Council agreed to stay on course, continuing to follow procedure, for delinquent accounts; once temps/weather allow service to be terminated and the account balance (plus all fees and additional/new deposit) will need to be paid in order to have the service turned back on. Property owners can choose to purchase the Bluetooth shut off valves from the city and have them installed in their rental properties at their expense if they would like an additional guarantee that the utility billing is paid.
- Reviewed the utility billing rate structure, including the new sewer base/usage rates and the 2019-1 Wastewater Project fee that was implemented last month. Notice letters were mailed prior to billing. Not many comments have been received, but those that have reached out are understanding of the increase.
- Discussed the options for potential secondary irrigation meters or seasonal sewer credits to help reduce the sewer usage rates on properties that are watering lawns, knowing that not all metered water is going into the sewer system. Council agreed that if the property owner wanted to purchase a secondary water meter and have it professionally installed, the billing system would allow for the deduction of metered water for irrigation. An estimate would be about \$500 (meter and plumber install) plus additional monthly water base rate. Tabitha will work thru some examples and comparisons to review next month.
- Monthly Pool Operations fee of \$5.00 per service (or units if multi-family) has been in place since 2015 to assist in operations expenses of the Kindred Pool. See city council meeting minutes of 12-01-2021 & 12-06-2021. After the co-meeting with the Park Board Members, Tabitha and Parks Accountant Emily Teberg discussed the payment options. PB Member Lydia Ronningen shared that the dollar amounts and timing seemed fair. Tabitha shared that the alternate revenue source (likely sales tax revenues) and annual operating amount could be determined with the approval of the City/Park District sub-lease agreement at the co-board meeting in April.
MOTION, passed – To remove the \$5.00 monthly Pool Operations utility fee effective 02-02-2022; Spelhaug moved; Peraza seconded. RCV; MCU.
- Also discussed the monthly utility fees for compost/forestry fund fee, that could potentially be combined with the sanitation/garbage fees; and the reserve/equipment fund fee that could be removed in 2023 if the revenues are worked into the 2023 general fund budget.

L. Council Reports:

- Peraza: Thanks again to all our city staff for all that you do! Forward any snow complaints to council members! CM Spelhaug, CM Stoddard, and Mayor DuBord all concurred!

ADJOURNMENT

MOTION, passed – To adjourn meeting at 9:25pm; Spelhaug moved; Stoddard seconded. RCV; MCU.

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

 Jason DuBord, Mayor

Attest: _____
 Tabitha Arnaud, City Auditor

Date approved: _____