

KINDRED CITY COUNCIL - REGULAR MEETING MINUTES
09-01-2021 at 7:00pm – Kindred City Hall

MEETING CALLED TO ORDER AT 7:03pm by Mayor DuBord, CM Spelhaug, Stoddard, and Peraza present. Absent: CM Amerman. Others present: City Engineer Brandon Oye, City Attorney Sarah Wear, PWS Rich Schock, Auditor Tabitha Arnaud, Building Administrator Mike Blevins, Kent Burner, Marlowe Rud, Mark Ottis, Andrea Christensen-Janowicz, Anthony Sommerfeld, Larry Oswald & Jeremy Fischer (MDU), and Steve Baron.

APPROVE AGENDA

MOTION – To approve the agenda with revisions (add Off-Site Event Permit Application for Hawk’s Market, Add Gaming Site Authorization for 441 Elm St, add ARPA Funding Update); Stoddard moved, Peraza seconded. RCV; MCU

COUNCIL BUSINESS

A. Old Business

- **Natural Gas - MDU & WBI Announcement:** MDU representatives Larry Oswald & Jeremy Fischer provided an update to their late-July press release. After securing enough customer commitments in Wahpeton, plans are moving forward to construct a 60-mile transmission line from Mapleton to Wahpeton with a service line spur to provide natural gas service to Kindred. The permitting/surveying/easement process has already begun and will take the most time, but the goal is to begin construction in the spring of 2024 with services accessible in the fall of 2024. A franchise agreement will need to be implemented with the city for infrastructure installations. In early 2022, MDU will begin to schedule public input meetings for the community. A 40% commitment rate for services is needed to ensure the Kindred service line can be completed and would cost each home/business connection an estimated \$1200-\$1800 (MDU offers payment plans). The greater the commitment rate, the connection fees are reduced. Discussed conversion costs for homes/businesses that have propane service now: conversion kits are common for most HVAC/appliances and can range anywhere from \$1300-\$1800. MDU helps the community by contracting with local HVAC/plumbing companies and will coordinate personalized quotes for each property. Typically, natural gas prices will be half the cost of propane services.
- **Grand Farm Proposal:** Of the proposals submitted, Kindred and Casselton were chosen as the final two communities to be the best fit for a Grand farm Campus. Kindred hosted the Grand Farm Board Members and Site Selection Committee on Aug 26 for a meet-and-greet and tour of the community and site locations. Discussion on the types of incentives or assistance that could be offered to GF if they choose Kindred. A follow-up meeting is scheduled for tomorrow, Sept 2nd, for additional discussion with the GF coordinator.
- **FMWF Chamber of Commerce Information:** Tabled until meeting can be held with FMWF EDC Ryan Aashim.

B. New Business

- **New Liquor/Beer License Application & Off-Site Event Permit Application:** Hawk’s Market owner Andrea Christensen-Janowicz shared that she and her husband, Ryan, have purchased Kindred Spirits Bar & Grill as of September 1st. Then new name will be Spring Brook Tavern. They have completed and submitted the application for a new liquor/beer license under Spring Brook Tavern. The publication requirement in ordinance did not allow for adequate time publish the notice to discuss that application at tonight’s meeting. Andrea said they have submitted an off-site event permit application and are requesting to use the Hawk’s Market liquor/beer license at the new bar location of 441 Elm St as a temporary solution. The request is for the off-site event permit to be allowed from Sept 2-16, as NDCC states that an off-site event permit can be issued for a period not to exceed 14 days. If a special meeting date cannot be set with council to discuss the Spring Brook Tavern license, another off-site event permit could be reviewed.

MOTION, passed – To approve the Off-Site Event Permit for Hawk’s Market; Peraza moved, Stoddard seconded. RCV; MCU.

- **Gaming Site Authorization for West Fargo Rural Fire Department at 441 Elm St:** Steve Baron of WFRFD shared that they have gaming sites in Mapleton and Walcott. Andrea Christensen-Janowicz is a member of the Walcott Fire Department and asked WFRFD if they would be interested in the gaming at Spring Brook Tavern. As another first responder agency, WFRFD strives to give back to their communities and would donate a portion of the earnings to the Kindred Ambulance and Fire Department. They plan to upgrade and add new gaming devices and estimate about \$9,000 earnings per quarter.

MOTION, passed – To approve the Gaming Site Authorization for West Fargo Rural Fire Department; Spelhaug moved, Peraza seconded. RCV; MCU.

- American Rescue Plan Act (ARPA) Funding Update: Tabitha shared that the state has created a program to disperse the allocated funds to cities/counties over the next two calendar years. The allocations are based on population estimates for 2019 and Kindred is set to get a total of \$122,623.56, which will be split into two equal disbursements in 2021 & 2022. There are strict guidelines for uses of these funds, most directed towards new infrastructure projects. Projects do not need to be identified until 2024 and funds need to be used by 2026, so there is plenty of time to discuss and plan for the use of funds. Initial paperwork needs to be submitted with NDOB by September 15th and annual reporting will need to be completed as well. City Engineer Brandon Oye also shared that Cass County is receiving \$35 million from the state and they will need to decide where to spend those funds as well. Moore helped another one of their communities in Burleigh County to write a letter requesting a portion of the ARPA county funds to help with the costs of a current infrastructure project that would help reduce the local share and financial burden on city residents. With Kindred's current lagoon project, the thought was that we could attempt to do something similar. Council discussed that it would be worth the effort to see what Cass County would offer. Any additional financial assistance to reduce the overall local costs to our residents would be welcomed! Oye said that Moore will draft a letter for the mayor to sign and submit to the Cass County Commission.

C. Boards & Committees

- Special Assessment Committee: The SAC met on Mon, Aug 16th and, having no public protests or concerns, approved the special assessment lists for infrastructure projects 2020-1 (NPR Phase 4) & 2020-2 (NPR/Airport water loop). A final hearing for the project's special assessments is scheduled for the Oct 6th city council meeting.

D. Pool/Park Board: The insurance process is continuing with a contractor assessment scheduled for Sept 9th. There was noticeable water loss after the pool was closed for the season; water level dropped 5" overnight when all pumps were shut down, air temperature was low, and there was a 2" rain. Where it is leaking is still unknown as there seems to be no areas of water that have shown up around the pool grounds. Will need to wait for insurance to complete the evaluation and provide us with a report before plans can be made for how to proceed with repairs.

E. Planning & Zoning: Public hearing for a Conditional Permitted Use application at the Sept 15th meeting.

F. Building Inspector/Code Enforcement: Building Administrator Mike Blevins provided another update on code enforcement for Kent Burner's properties at 931 Elm St and 190 5th Ave N, noting that Mr. Burner has been super accommodating and communicative on the projects he has going on. Mike was able to perform an interior inspection at 190 5th Ave N and although the work is not complete, there is progress with the outside being about 90% complete. The interior is in good condition, down to studs/insulation and needs are mostly cosmetic. This property is the most structurally sound of all Mr. Burner's properties.

Mike is recommending a structural evaluation for 931 Elm St. There is a huge area of damaged wood that has been re-sided over and when he mentioned this to Mr. Burner, he stated he does not think it needs to be replaced. Mike noted that OSB has a 60-day maximum exposure before replacement needs to be completed. He said a structural evaluation would ensure that completed work would not be wasted if the structure isn't in good condition. Discussion on the current building permits for both properties: both permits are not active and need to be renewed. CM Stoddard asked Mr. Burner what his intentions are with all the properties. Mr. Burner replied that he intends to fix up and sell 190 5th Ave N, and he would move into 931 Elm St when it is livable and then sell his current residence at 980 Elm St.

Council directed Mr. Burner to stop work on and order a full structural evaluation for 931 Elm St. The report should be shared with Mike Blevins when it is complete and will review with council. Council reminded him that any damaged exterior material needs to be replaced as per International Building Code regulations and to consider hiring out the roofing/siding work at 190 5th Ave N.

**MOTION, passed – To extend the building permit for 190 5th Ave N by one month;
Stoddard moved, Spelhaug seconded. RCV; MCU.**

Council reviewed the deadline of August 31st assigned to CHS/Dakota Ag property at 144 Rustad Dr. CHS reps talked with Mike Blevins and CM Spelhaug about the structure and made small cosmetic improvements in preparation of the Grand Farms visit. They intend to make further repairs or consider demolishing the building in November.

**MOTION, passed – To extend the dangerous building notice for CHS to November 30, 2021;
Spelhaug moved, Stoddard seconded. RCV; MCU.**

G. Police: Deputy Beckius was absent but emailed the August 2021 report with 16 calls for service; 1-911 hang up; 1-accident; 1-animal call; 1-assult; 1-fraud; 3-medical assist; 1-property removal; 2-public assist; 1-suicidal person; 2-suspicious; 1-vandalism; 1-welfare check.

H. Engineering:

- **Wastewater Treatment Improvements; Sewer Improvement District 2019-1**: KPH intends to begin mobilization next week, earthwork could be complete this fall. Although, Moore is still waiting on a construction schedule. Discussed contractor responsibilities on weed control at new lagoon site; CM Spelhaug said the surrounding land owners and those with the construction easements were not happy. CM Spelhaug personally worked the weeds, as well as those land owners. CM Spelhaug advised the landowners to submit invoices for the work completed, noting that KPH “dropped the ball” on this service. Oye noted that those invoices could be included into the project and council could consider liquidated damages or withholding a portion of any payment to cover the costs. Oye presented CAP #1 which is for purchase and storage of materials, withholding 10%. He also noted that KPH has not submitted their insurance documents so payment should be held until that is received.

MOTION, passed – To approve Contractor’s Application for Payment #1 for \$354,058.96, contingent on receipt of proof of insurance documents; Peraza moved, Stoddard seconded. RCV; MCU.

MOTION, passed – To approve Moore Engineering Inv 27773 for \$13,437.96; Stoddard moved, Peraza seconded. RCV; MCU.

- **Newport Ridge Phase 4; Improvement District 2020-1 & Water Looping Project 2020-2**: Punch list items are still in need of completion. Moore is setting a meeting with KPH to discuss and final the project out.

MOTION, passed – To approve Moore Engineering Inv 27762 for \$1,025.00 & 27763 for \$500.00; Peraza moved, Stoddard seconded. RCV; MCU.

- **Capital Improvements Plan**: Aug 13th meeting with Cass Rural Water and PW committee went well; good progress was made. Will work with PW committee to identify other water/sewer service needs. Rich has a list already in progress that includes replacing undersized/aging water lines. Will also consider downtown improvements and potential stormwater management. High level estimates can be completed so that if funding opportunities become available, documents are ready to submit.

MOTION, passed – To approve Moore Engineering Inv 27761 for \$1,445.44; Spelhaug moved, Peraza seconded. RCV; MCU.

I. PWS:

- Preparing improvement plan lists for CIP, including water mains and hydrants.
- Continuing to work through the hydrant flushing process.
- Looking at developing a policy for rotation of summertime water use restrictions, like watering lawns. This summer there were a handful of times that high water use put our system at risk for loss of supply. One identifiable reason could be the result of irrigation systems all pulling water at the same time, dropping the reservoir levels and it not having time to recover.
- Plan to be on-site for pool’s ground penetrating radar exam scheduled for the 9th.
- Shelton is doing well and taking on additional responsibilities.
- Street sweeper did not sell after auction listing. Discussed relisting it or possibly trading it in for other equipment that would be of more use.
- Making additional preparations for fall/winter seasons.
- Still experiencing troubles with Waste Management on timely/consistent service on compost dumpsters. Residents have been doing a great job being diligent with separating materials and not leaving garbage!! Great job community!! THANK YOU!!
- The 9/11 stair climb in Bismarck was cancelled so Kindred Fire is planning to do this at our station.

J. Attorney Report: Name Change Exhibit for Auditors Lot 11 (Parcel 55-0300-00181-000), Woodlawn Subdivision. This was tabled from last month’s meeting and Attorney Sarah Wear shared that the solution to naming a “private” road was simply a resolution for the name change along with the name change exhibit being recorded with the county.

MOTION, passed – To assign a name to the private drive located in Auditor’s Lot 11 (Parcel 55-0300-00181-000) as Tower Lane; Stoddard moved, Peraza seconded. RCV; MCU.

K. Auditor Report

- Discussed office hours changing now that school is in session. With more “no school” days occurring on Fridays then on Wednesdays, City Hall will now be open on Wednesday and closed on Friday.
- Jackie has been working up to 20 hours per week, except when needed. With the workload, she has decided she would be willing to work up to 4 days per week for the normal office hours. This would put her at about 28 hours per week. She stated up to 32 hours/week, 40 hours/week if necessary to cover PTO. Full-time employment is identified as 40 hours/week per city policy, but NDPERS retirement policy requires any employee over 20 hours/week to enroll in their program. Jackie has stepped up to fill a need and excels at the work she completes. She is a great asset to Tabitha and city operations. Tabitha recommends that Jackie be enrolled in the NDPERS retirement program and to begin receiving PTO benefits. Tabitha also noted that we had budgeted for a full-time deputy auditor for the 2021 calendar year and have only utilized a half-time employee with no benefits for ¾ of the year.

MOTION, passed – To approve Jackie Johnson to full-time employment (up to 40 hrs/wk), enrollment in NDPERS retirement, and PTO benefits; Spelhaug moved, Peraza seconded. RCV; MCU.

- Moved Consent Calendar items (council meeting minutes, financials, and administrative) to the Auditor Report as they are more relative there.

MOTION, passed – To approve City Council meeting minutes of 08-04-2021 and 08-09-2021; August 2021 financials and unpaid bills report; Tax Exemption on New Construction for 515 Piper St; Stoddard moved, Peraza seconded. RCV; MCU.

L. Council Reports:

- Stoddard: Had a resident complaint of semi-trucks using the engine brakes on County 15. Rich said he would see that the regulations are and could reach out to the county on it.

ADJOURNMENT

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

(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: _____