

KINDRED CITY COUNCIL – MEETING MINUTES

Wednesday, April 3, 2024 | 7:00 pm | Kindred City Hall

MEETING CALLED TO ORDER AT 7:00 pm by Mayor Kersting with CMs Johnson, Peraza, Spelhaug, and Stoddard present. Others present: PWS Rich Schock, City Auditor Tabitha Arnaud, City Attorney Sarah Wear, City Engineer Brandon Oye, Sheriff Deputy Bryce Noonan, AJ Sommerfeld, Mike Blevins, Mark Ottis, Brian Ordahl, Dwight Ogren, Dale Rubish, Siri Thorstad, Lisa Anderson, Bethany Johnson, Lydia Ronningen, Joel Ronningen, George Woodward, Venky Swaminathan, Zac Davis, Bryce Knowlen, David Braaten, Barbara rude, Jamie R Swenson, Joel Alm, Rob Sahr, Matt Prochniak, Jan Russell.

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

NEW BUSINESS

Ottertail Power Company Franchise Ordinance Renewal: Siri Thorstad explained that after twenty years, the City's franchise ordinance with OTPCO expires June 3, 2024. OTPCO is looking to renew the agreement and continue the utility partnership with the City for another 20-year term. **MOTION, passed – To approve the first reading of the Ottertail Power Company ordinance, Chapter 14-02. Spelhaug moved; Johnson seconded. RCV; MCU.**

Vector Disease Control International 2024 Aerial Mosquito Control Contract: Annual contract for services under a new business name, previously Airborne Vector Control. No change to rates, ferry fees, or coverage area. The City budgets for three applications each year; in 2023 only one application was completed. Approving the contract does not commit the City to applications, but allows applications to be requested on an on-call basis. CMs expressed gratitude for the company continuing to provide services to Kindred. **MOTION, passed – To approve the Vector Disease Control International 2024 Aerial 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. A suggested 2.5% rate increase to match what the City is invoiced, rounded to the nearest quarter cent, provides the following monthly rates: 64-gal \$22.25, 96-gal \$22.75, each additional tote of any size \$13.75. **MOTION, passed – To approve the garbage rate increase as presented, effective May 1, 2024. Spelhaug moved; Stoddard seconded. RCV; MCU.**

OLD BUSINESS

Norman Acres 1st Addition Developer Agreement: The DA was updated to include the installation of a meter pit so that the City can provide the water services to each parcel, streamlining the billing process. **MOTION, passed – To approve the Developer Agreement for Norman Acres First Addition. Spelhaug moved; Stoddard seconded. RCV; MCU.**

Second Reading of Rezone Request for Newport Ridge 9th Addition: No changes made to the zoning exhibit since the first reading last month. Lots 1-2 and 14 to be SFRA-3; Lots 3-13 to be SFRA-2. No additional comments. **MOTION, passed – To approve the second reading of the rezone request for Newport Ridge Ninth Addition. Stoddard moved; Johnson seconded. RCV; MCU.**

Trilogy Networks Telecom Site Lease Proposal: Trilogy Networks President and CEO George Woodward returned this month to further present the company's request to lease space on the City's water tower to install six data collection antennas that will serve as a vital component of their Precision Agriculture Infrastructure, facilitating Data-Driven Farming Practices. Woodward explained the lease proposal requests the City to supply power and internet service as part of a 5-year agreement with a graduated payment schedule as follows: Year 1-\$100.00, Year 2-\$200.00, Years 3-5-\$1,200.00. CM Peraza questioned any radiation concerns; Trilogy explained the antennas are FCC compliant, operate at 10-watts, much less than cell towers. CM Stoddard inquired about a few of the sections within the draft lease agreement provided: #14 Painting and Lighting; #17 Equipment Installation and Maintenance; #19 Electrical Interference. Woodward replied that the draft lease agreement was a sample and could be modified as needed. City Attorney Sarah Wear said the agreement would need further review before proceeding. **MOTION, passed – To accept the Trilogy proposal and proceed with review of lease agreement. Spelhaug moved; Stoddard seconded. RCV; MCU.**

BOARDS & COMMITTEES

Kindred Public Library: KPL Board of Trustee Bethany Johnson and Library Director Lisa Anderson presented the Library's 2023 Annual Report, including book counts, services provided, electronic media, event highlights, hours of operation, and data on visitors, memberships, and volunteer hours. They also shared the 2023 annual expenses at \$13,650.84 and revenues at \$13,934.65; a very narrow profit for the year. The 2024 Library Board of Trustees were also presented.

MOTION, passed – To approve the 2024 KPL Board of Trustees as presented. Peraza moved; Spelhaug seconded. RCV; MCU. MOTION, passed – To approve the 2023 KPL Annual Report. Johnson moved; Peraza seconded. RCV; MCU.

Kindred Renaissance Zone Committee: RZC Chair Jamie Swenson reported that the board received an extension request from Nate Opgrand for his commercial project under Korner Holdings LLC at 5390 165th Ave SE. When the project was originally approved, the RZC was aware the scope of work may require additional time and approved a 9-month extension at their March 12, 2024 meeting. Request Council to approve the extension as well. **MOTION, passed – To approve 9-month extension for RZ Project 2-KIN. Stoddard moved; Johnson seconded. RCV; MCU.** Swenson also reported that the RZC is finalizing an amendment to the RZ Development Plan to incorporate 2023 state legislative changes; updated RZDP will be presented to Council for final approval once letters of support are received from the school district and county.

Kindred Community Club: Club Member Lydia Ronningen presented a support request for the annual community event Kindred Days scheduled for August 9-10, 2024. Recurring requests include porta-potties (10, instead of 8), assistance with road blocks, garbage services, flyer design/printing, postage/mailing, and shared cost of security. **MOTION, passed – To approve Kindred Community Club Kindred Days 2024 request for support, up to \$3,000. Peraza moved; Spelhaug seconded. RCV; MCU.** CMs suggested incorporating an ATM in the downtown vendor fair area; opened up the option for other City boards to share in the City Council booth space.

BUILDING INSPECTOR/CODE ENFORCEMENT

Building Inspector Mike Blevins reported that 3 building permits have been issued so far this year, a quiet time of year. He also reported that there are no active code enforcement properties at this time.

POOLS & PARKS

PB Member Ronningen share that the joint meeting last month went well, the pool liner is still on schedule for this spring, Park's kickoff to summer family night starts with Touch-a-Truck on April 10th (hot dogs, chips, and water will be served).

PLANNING & ZONING

Auditor Arnaud reported she has a meeting tomorrow, April 4, with Metro Cog to discuss the next steps in the comprehensive planning process.

MARKETING & BEAUTIFICATION

KAAP is still working to finalize the street light banners. Flower planters in progress as well.

POLICE

Deputy Noonan provided the March Police report with 20 calls for service, including a call from Fargo Air Traffic Control on 3/31/24 @ 2341 hours that someone within the City of Kindred shined a laser at a passing airplane. Deputy was in the area, but no finding. Noonan reported that a replacement deputy has not yet been selected for Kindred's contract so he will stay with us until a deputy is selected. He also discussed due dates for issued citations: pre-covid citations were due within 14 days of issuance, covid the time frame was extended to 28 days, now the state/county and many cities are returning to 14 days. Discussion that keeping it consistent with other jurisdictions reduces confusion and the shorter time frame may help citations not be put off and misplaced or forgotten. **MOTION, passed – To change citation due date to 14-days from issuance. Peraza moved; Johnson seconded. RCV; MCU.** Will work with City Hall staff to get updated envelopes and incorporate the date change into the TRACS systems within the next few weeks. Deputy Noonan also provided a few hard copies of the Cass County Sheriff's Department 2023 Annual Report.

CITY ENGINEER

Wastewater Collection and Treatment Improvements; District No. 2019-1: CM Spelhaug discussed that the PWC has been reviewing options to dispose of the excess clay material from this project. With over 40K cubic yards of material, requests for bids to remove were unanswered, possibly because it was for all the material. Spelhaug is proposing a \$25/load fee structure that the buyer would load/remove themselves; a log would be kept for the number of loads and then they would settle up with City Hall when they are finished. **MOTION, passed - To approve \$25/load fee for clay material at lagoon site. Spelhaug moved; Stoddard seconded. RCV; MCU.** The City will provide a preferred route, contacts, and additional documents to share with the public (website, newsletter, email, flyers, etc). City Engineer Brandon Oye discussed the remaining closeout items. There are force main easements needed from Mark Ottis. Ottis is also requesting a vacation of an existing sewer main easement located near the softball fields south of Sheyenne St to the old lagoon ponds; line is no longer used and City would abandon in place, removing would become responsibility of Ottis with any new development of the area. **MOTION, passed - To authorize vacation documents for sewer main easement. Peraza moved; Johnson seconded. RCV; MCU.** Oye reported a need to check in with KPH on the defective work punch list. Discussed a leak on the new force main that was discovered on March 20, 2024. Excavation/inspection determined the fitting/coupler failed, possibility that the incorrect fitting was installed. ME will review project documentation and identify potential other locations that similar fittings could have been used instead of what was required per the plan set.

Dakota St Sidewalk, Spruce St and Elm St Drainage Improvements; District 2023-2: Contractors were on site today. PWS Schock reported they will begin work on Spruce and Elm streets, the school corridor work will be on hold until after the school year ends, will relay updates to community and businesses as plans/schedules changes.

Newport Ridge & 7th Ave Paving; District No. 2024-1 and 2024-2: Contractor schedule could start as soon as May 1 in the NPR area and 7th Ave area work would begin more towards July. Contracts are not approved yet, as the City is working thru the financing process. Unfortunately, due to the audits being delinquent SRF is unable to process the funding application. Arnaud and Wear will research alternate temporary financing options. Don't want to execute the contracts until funding is secured. The bid bond is valid for 60 days: May 6th; after that date the contractors can chose to walk away from the project. Discussed possibility of needing a special council meeting to secure temporary financing, if something can be determined. Resident Joel Alm inquired about ME staff returning his call/email to discuss the temporary construction documents needed for the project. Oye will follow-up. **MOTION, passed – To approve Braun Intertec Inv B378890 \$2,939.50. Peraza moved; Spelhaug seconded. RCV; MCU. MOTION, passed – To approve ME Inv #37456 \$58,925.50 and #37828 \$35,752.41. Peraza moved; Spelhaug seconded. RCV; MCU. MOTION, passed – To approve Engineering Agreement Amendment No. 1, construction services up to \$15,000.00. Peraza moved; Spelhaug seconded. RCV; MCU.**

Norman Acres 1st Addition: Developer meeting with Cass County to discuss final draft of plans and specs. Oye will sign final plat after those are approved. Working with Attorney Wear on amendment to Braaten Addition Sewer Agreement as the City will be taking over services of the line at the Norman Acres connection. The Planned Development ordinance will be processed with a formal application for rezoning by the City; zoning process will not hold up construction as the rezone would be complete prior to the lots being ready for any building permit issuance. Discussed the meter pit expenses and the 4% administration fee. **MOTION, passed – To approve ME Inv #37798 \$3,319.56. Peraza moved; Stoddard seconded. RCV; MCU. MOTION, passed – To approve Engineering Agreement Amendment No. 1, increase of \$14,190.00. Stoddard moved; Peraza seconded.** Additional time invested for the following: water services, Park District items, Cass County Electric, Braaten Addition sewer agreement, Lykken access, developer agreement. **RCV; MCU.**

Lead Service Line: Survey info was sent out. The State is asking for a “good faith” effort from residents/owners to respond. Will continue to gather collected data and provide a report to the state this fall. Future guidance will be provided on eventual replacement of lead service lines, funding assistance is anticipated but nothing is finalized.

General City Engineer:

- West Metro Perimeter Highway Study – No Update.
- County Highway 15 Path Replacement – News of grant award should be available at April meeting.
- Chapter 4 Ordinance Updates – Chapter 4 amendments are being presented at the March P&Z meeting. If given the green light, public hearings can be scheduled for April P&Z and May Council meetings.

PUBLIC WORKS REPORT

- PWS Schock reported discovering a leak at a vacant home on 7th Ave S. Tenant moved last fall and disconnected electric, leaving the home unheated. Water meter froze, damaging the frost plate and causing water to fill the crawl space and saturate portions on the main floor. Curb turned off 3/25/24, owner contacted. Unmetered water loss estimated at 30K gallons, possibly two months. Sent info to Mike Blevins, black mold present; advised to not turn water back on until inspection is completed.
- Sewer force main leak on Sheyenne St, line is less than one year old. Provided notice to CMs, ME, and NDDEQ for bypass reporting. Temporary fix that day, permanent repair will be completed within the next week.
- Equipment maintenance and service. Prepping for construction season, RPR on projects.
- Garage door repair quote: info only, no action. Springs failed and were repaired, but do not need opener replacements.

CONSENT CALENDAR: MOTION, passed – To approve consent calendar items: 3/4/24, 3/6/24, 3/13/24 minutes; Off-Site Permit Application for The Uptown Eatery and Raffle Permit Application for Kindred Parks & Rec; Delinquent Utility Accounts List; Bills for Payment and Financial Reports for March 2024. Spelhaug moved, Johnson second. RCV; MCU.

AUDITOR & FINANCE

Dates scheduled for curbside cleanup, metal/freon appliance pickup, rummage sale day, and pet clinic. Working thru multiple address requests for MDU services and platting. Audit work/meetings with Widmer Roel, record retention disposal upcoming, laptop quotes received working on IT setup quote.

COUNCIL & MAYOR REPORTS

CM Peraza: Questions for CM Johnson regarding inquiries about staff overtime coming up at a PZ meeting when it was not on the agenda. Johnson recalled the discussion being prompted by a PZ member asking for additional information on the PWC meeting info; can/will ask for records if needed but has no issue with OT. Peraza encouraged Johnson to contact him with any finance/personnel concerns.

Mayor Kersting: Commented on the OT, noting that with a less severe winter the PW OT hours have been much lower than previous years. Reminded everyone of the used furniture donation drive, contact him for help with drop off or transportation! Also shared that the Kindred Wildlife Club is working to finalize their plans for summer improvements at the Memorial Building, in an effort to give back to the community for supporting the KWC’s annual event.

ADJOURNMENT: MOTION, passed – To adjourn meeting at 8:30 pm. Spelhaug moved; Peraza 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