

## KINDRED CITY COUNCIL – MEETING MINUTES

Wednesday, December 6, 2023 | 7:00 pm | Kindred City Hall

**MEETING CALLED TO ORDER AT 7:00 pm** by Mayor Kersting with CMs Johnson, Stoddard, and Peraza present. Absent: CM Spelhaug. Others present: PWS Rich Schock, City Auditor Tabitha Arnaud, City Attorney Sarah Wear, City Engineer Brandon Oye, Deputy Auditor Jackie Johnson, Sheriff Deputy Bryce Noonan, Mark Ottis, Jan Russell, Brian Ordahl, Matt Prochniak, AJ Sommerfeld, Sally Erickson, Susie Mathias, Dona Schock, Codie Zahradka, Brian Lammers, Dave Johnson.

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

### NEW BUSINESS

**Public Hearing – Annexation of Norman Acres:** Mayor Kersting opened the public hearing for the annexation of land (about 12-acres) in the northeast area of Kindred’s extraterritorial (ET) ½-mile jurisdiction. No comments/discussion. Mayor Kersting closed the public hearing. Attorney Sarah Wear advised this is an annexation by ordinance, which requires the public hearing and a first and second reading before being adopted. **MOTION**, passed – To approve first reading of annexation ordinance 2023-101. Stoddard moved; Peraza seconded. RCV; MCU.

**Public Hearing – Preliminary Plat of Newport Ridge 9<sup>th</sup> Addition:** Mayor Kersting opened the public hearing for the Preliminary Plat of Newport Ridge 9<sup>th</sup> Addition. No comments/discussion. Mayor Kersting closed the public hearing. **MOTION**, passed – To approve the Preliminary Plat of Newport Ridge 9<sup>th</sup> Addition. Johnson moved; Peraza seconded. RCV; MCU.

**Bids Received for Clay material Sale:** No bids were received; however, some emails/inquiries were made prior to the bid deadline about the option for smaller quantities. Discussed whether to rebid with offer for smaller quantities, quantity versus value, deadline for removal. Attorney Wear confirmed it would need to be advertised for bids again but can reword the ad to offer smaller quantities. Will work on new bidding ad.

**City Hall Flooring & Other Updates:** CM Peraza directed staff to get estimates for flooring replacements at City Hall, as well as needed upgrades there and at the Memorial Building. Discussed type of flooring materials, and creating a more comprehensive list of upgrades for each building, including new tables in MB. Staff will work on improvements list and get more flooring estimates.

**Virtual Meeting Options:** Looking at upgrading Microsoft software to optimize the best way to create a virtual Teams meeting option for Council meetings. Current MS Family 365 service is limited on administrator options to control muting guest attendees. MS 365 Business upgrade would be an increase of about \$500.00 in addition to any other audio technology needed. Mayor Kersting shared concerns of the extra costs and tech set up, thought to table at the moment. CM Johnson thought it would be a nice service to offer to keep up with technology. CM Peraza also noted the IT and tech concerns. No action taken.

### BOARDS & COMMITTEES

**Tree Board:** Mayor Kersting is happy to see interested residents stepping up to fill the board vacancies, and those interested in continuing to serve. Terms are 3-years. **MOTION**, passed – To appoint Sheena Bateson to Tree Board and reappoint Jeff Miller and Mike Brown, all for terms expiring December 2026. Peraza moved; Stoddard seconded. RCV. MCU. Engineer Oye stated that ME has an arborist on staff that our tree board could utilize to provide help if needed. Mayor Kersting offered to be the Council rep for the tree board as it hasn’t been assigned to any portfolios yet.

**BUILDING INSPECTION/CODE ENFORCEMENT** – Mike Blevins provided the 2023 YTD building permits report, 17 total.

**POOLS/PARKS** – Mayor Kersting shared that the joint meeting with Kindred Parks & Rec went very well; 2023 pool season was good with more life guards for added safety; pool liner upgrades will be completed next spring.

**PLANNING & ZONING** – Board meets next Monday with ordinances and comprehensive planning still in progress. Will share the upcoming ME Comprehensive Plan info with them for review and discussion as well.

### **MARKETING & BEAUTIFICATION**

Winter street light banners went up in November, but the wooden poles in the downtown area are not suitable for them as the brackets do not hold up. Looking at other options to spruce up the downtown area. Considered wreaths, garland, or other holiday decorations. Discussed standard decorative flags that would replace the American flags utilizing the existing flag brackets; selecting a winter scene instead of a Christmas/holiday scene so it could stay up until spring. **MOTION, passed – To purchase 10 flags and poles for downtown. Peraza moved; Johnson seconded. RCV. MCU.**

### **POLICE**

Deputy Noonan gave the November police report. A few increases in vandalism from Patriot Front. Please report any signs of graffiti. More detail about traffic data collection device that can detect speed, seatbelt use, and distracted driving. Privacy concerns – there are no cameras, does not record license plates or faces. Can detect different classes of vehicles by size. Lidar data will provide statistics of violations to better determine what areas need more education. Systems is live now and collecting data, access to data soon. In the spring, an interactive sign will be installed to alert drivers of the unsafe driving behaviors. It is currently located at 1<sup>st</sup> Ave & Spruce St by elementary school dumpster, and can be moved to other areas as needed/requested. The device is available at no cost thanks to federal funding from NDDOT's Highway Safety Plan and may be used throughout Cass County.

### **CITY ENGINEER**

**Wastewater Collection and Treatment Improvements; District No. 2019-1:** Engineer Oye listed the high-level tasks remaining to close out the project: final payment documentation and final balancing change order; SRF & USACE funding closeout paperwork to final out and amortize the loan; a few force main easements need to be signed so document numbers can be included in record drawings and all can be linking to the webmap. Defective work punch list: Legal team recommended to communicate with KPH as normal under the contract; followed up on previous communication before mediation, KPH is not in agreeance with items listed, waiting on response but have yet to hear back.

**Dakota St Sidewalk, Spruce St and Elm St Drainage Improvements; District 2023-2:** Project on hold until spring. Change order No 2 is an adjustment for the size of culverts. **MOTION, passed – To approve Change Order No. 2 for \$2,093.33. Peraza moved; Stoddard seconded. RCV; MCU.** Oye noted that ME will not be as involved with paperwork and site inspections as a cost saving, so this will be routed through PWS Schock. For streamlined recordkeeping, change orders and contractor applications for payment will be included in ME's agenda packets. **MOTION, passed – To approve CAP No. 1 for \$63,833.25. Stoddard moved; Peraza seconded. RCV; MCU. MOTION, passed – To approve Invoice 36145 for \$1,107.50. Peraza moved; Johnson seconded. RCV; MCU.**

### **Newport Ridge & 7<sup>th</sup> Ave Paving; District No. 2024-1 and 2024-2:**

Holding 60% plan review meeting next week. Funding update on request for 75% funding from Cass County Flood Sales Tax to cover some expenses related to the detention pond: Successful! Approved 50% cost-share up to a max of \$246,785 to aid with the detention pond within an existing development. The status of previous audits not yet completed is an issued to proceed with the SRF and BND loan underwriting; discussed using City reserves in alternate funds to cover project expenses in the interim that can be settled once the loans are approved. **MOTION, passed – To approve Invoice 36157 for \$39,624.98. Peraza moved; Stoddard seconded. RCV; MCU.** Oye presented five smaller invoices that ME billed out in 2022 when the smaller phase (NPR 8<sup>th</sup> Addition) was designed and platted. These already were incorporated into the project costs for this current 9<sup>th</sup> Addition (final buildout). **MOTION, passed – To approve Invoices 29755, 30036, 30555, 30942, & 35665 total \$40,463.82. Stoddard moved; Peraza seconded. RCV; MCU.**

### **Norman Acres 1<sup>st</sup> Addition:**

Neighbor to the north had agreement to share the north entrance/approach, was thought to be placed so road would be split/constructed half on Norman Road and half on property owner to north. ME team met with land owner and explained that once platted, this will be a city owned and maintained road/right-of-way (ROW). Neighbor had concerns that someone can stop them from using the road to access their field to the north with their ag equipment. Looking at utilizing

the planned development ordinance/document that would record the permitted allowance of implement and farming equipment to access the northern field via this ROW, so people buying development properties are aware. No action needed now, just sharing concerns heard and how they are addressing them. Meeting soon with PWC on the 60% plan review, will invite PB and P&Z reps as requested. **MOTION, passed – To approve Invoice 36151 for \$6,610.00. Peraza moved; Stoddard seconded. RCV; MCU.**

### **Comprehensive Plan:**

Oye shared a draft proposal to assist in preparing the land use plan and infrastructure sections of a new comprehensive plan, considering it a collaboration with the draft MetroCOG proposal. A land use plan looks at areas not being used, such as ag land, looks at zoning and helps to steer development in areas the community has identified to grow. ME proposal would provide a land use map, an infrastructure map, write up, identify optional zoning districts to match land use plan, proposed changes to existing zoning map, as well as a 1-year check in and 5-year report card. This proposal is unique because it goes beyond just the planning/recommendation phases with a follow-up phase, bridging the gap between planning and executing. A comprehensive plan helps define the vision so growth can be streamlined. Oye reported ME is under contract for similar services in Mapleton (also co-op contracted with MetroCog) at an estimated cost of \$45K. Kindred's proposal is estimated less, at \$33K, as ME has more infrastructure data already recorded for Kindred than in Mapleton. Oye noted the proposal is for info only and no action is needed tonight. CM Johnson shared it would be good to review the current Kindred 2020 Comprehensive Plan (that was completed in 2011/2012) to get an understanding of what the community needs/wants/strengths/weaknesses were and see how it compares to the current community stats now and where we want to be in the future. Oye shared that the 2020 Plan was completed but the follow-up was overlooked; the recurring evaluations are just as important as the plan itself. MetroCOG's portion of the plan would include community input by public outreach and surveys, and would be separate (in addition to) the ME proposal. All of this info will be shared with P&Z members for additional review/discussion.

**Dakota St Sidewalk, Spruce St and Elm St Drainage Improvements; District 2023-2 (continued):** Property owner Sally Erickson (181 Evergreen Circle) expressed concern about having to complete the snow removal on the new sidewalk that will be installed along the north edge of her property line for this project. CM Stoddard advised that the City needs to be careful not to set precedence of contradicting the City ordinance that requires property owners abutting any sidewalk to remove snow and ice after any winter snowfall event. **(Chapter 2-0121. SNOW AND ICE ON SIDEWALK REMOVED BY OWNER AND OCCUPANT OF PROPERTY. No snow or ice may be allowed to stand or remain upon any public sidewalk within the City of Kindred. If any person or corporation either neglects or refuses to remove the snow or ice on a public sidewalk abutting the person's or corporation's property, after forty-eight (48) hours notice by a City Agent, the person or corporation will be subject to the penalties set out in Section 2-0122. In addition, the City Agent may cause the snow or ice to be removed. The expense incurred in the removal will be charged and assessed against the abutting property by special assessment in a manner prescribed by law.)** Ms. Erickson inquired about the possibility to label the area a "safe route to school", getting a letter from the school saying they will complete the snow removal, and/or a letter from the City exempting her from the responsibility/liability of removing the snow. CM Stoddard noted he has had many discussions with Kindred Public School staff and Public Works to be sure the sidewalk is cleared on school days so students have a safe space to walk to/from school. PWS Schock said he would make sure the area is cleared if the school cannot get to it, just as PW does with other areas (ex: bike path north of Dakota St), noting that the streets/rights-of-way will have the priority of being cleared first. CM Stoddard noted that he would like it recorded that the City will not hold Ms. Erickson at 181 Evergreen Circle responsible for removing/clearing the snow from the sidewalk.

### **Lead Service Line Inventory (LSLI):**

Oye reported that ME is on contract with the state to assist communities with completing their LSLI by the EPA deadlines in 2024. A kick-off meeting was held with Arnaud/Schock to review the list of documents/information needed to begin working to identify the service lines and ME will eventually supply the initial inventory to the state in May. Depending on the initial data collected, there may be follow up surveys with residents and possible in-home inspections to determine the number of lead services lines in the community. Lead was banned from use in 1986, so most homes constructed or lines installed after that date should be free of that material. The state contract will pay 100% of ME services to complete the inventory process.

**West Metro Perimeter Highway Study:** Will have better update in January, meeting next week.

**PUBLIC WORKS**

A lot of time spent on matching topics with City Engineer for plan review meetings/questions and project updates/needs. New lagoon ponds were full enough to equalize; sampled and passed; currently completing a fall discharge. A material bucket is needed for the payload. **MOTION, passed – To approve purchase of a 3-yard payload bucket up to \$10,000.00. Peraza moved; Stoddard seconded. RCV; MCU.** In preparation of snow removal being needed at some point, snow stakes have been put out to help prevent lawn damage (try restore any damage in the spring) and help identify areas with sprinklers/irrigation systems.

**AUDITOR & FINANCE**

Consent Calendar:

**MOTION, passed – To approve consent calendar items: Minutes of 11/1/2023 & 11/29/2023, Report of 2023 Special Assessment Totals, Raffle Permits for Kindred Wildlife Club and St. Maurice Catholic Church (x2), Property Tax Exemption on New Construction for 921 Elm St, Delinquent Utility Accounts List, Bills for Payment and Financial Reports for November 2023. Peraza moved, Johnson second. RCV; MCU.**

Auditor Arnaud presented the 2024 City Council Meeting calendar. Election information to go out in January for anyone interested in gathering petition signatures to be on the ballot for any expiring terms: two City Council member seats and three Park Board member seats are expiring.

**COUNCIL & MAYOR REPORTS**

CM Johnson: none.

CM Stoddard: Reported it was recently discovered that the Norman Acres development is outside Ottertail Power Company’s (OTPCO) utility district jurisdiction and will be serviced by Cass County Electric Cooperative (CCEC). Currently in city limits, OTPCO services/maintains street lights and underground infrastructure, however, CCEC will not do this in their districts and will require the City to own/maintain them. OTPCO is open to taking over the additional area, but it is unknown whether CCEC is open to losing customers. PWS Schock has been researching street light ordinances, fixtures, infrastructure, and franchise fee options in an effort to prepare/assist with discussions. CM Stoddard will continue to connect with each utility provider and explore the options available.

CM Peraza: Annual employee reviews are about 95% complete for auditor staff, will be meeting with Mayor Kersting soon to discuss. Also made a great contact with Hector Foundation, will pursue that connection for potential funds to the future growth in Kindred for athletic programs.

Mayor Kersting: none.

**ADJOURNMENT**

**MOTION, passed – To adjourn meeting at 8:50 pm. Stoddard moved; Peraza 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