

## **KINDRED CITY COUNCIL – MEETING MINUTES**

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

**MEETING CALLED TO ORDER AT 7:01 pm** by Mayor Kersting with CMs Spelhaug, Johnson, and Peraza, Stoddard (7:37 pm) present. 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, Marlowe Rud, Jeremy Fischer, David Braaten, Brian Ordahl, AJ Sommerfeld, Joel Ronningen, Lydia Ronningen, Codie Zahradka, Trevor Zens, Barb Rude, Jesse Erickson, Jan Russell.

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

### **NEW BUSINESS**

**MDU: Natural Gas Update:** Jeremy Fischer, MDU, provided an update on the natural gas project. The FERC approval came last week. In January/February 2024, MDU will be sending out information to Kindred residents, hosting a public information meeting, and having “office hours” to visit with residents one-on-one. This will be a time for residents to sit down and go through their current energy bill, ask questions about natural gas, and do a cost analysis to help determine if natural gas is a good fit for their energy needs. MDU plans to kick off sign-ups early-mid January. They’ll be requesting a letter of support from the city in the second mailing. MDU’s goal is to secure a 40% commitment from Kindred properties. The larger the commitment rate, the lower the connection fees will be for new customers. MDU has also requested a special surcharge rate for new customers from the state to help reduce user costs even more. Plans are to start construction in the Summer of 2024, with natural gas in service by Fall of 2024.

**Cass County Highway Department: Letter of Support for Shared Use Path Improvements Grant Submission:** Cass County Highway Department is looking to apply for grants to make upgrades to the shared use bike path along the east side of Cass County Road 15 south to State Hwy 46. Upgrades include replacing the current 8 ft wide asphalt path with a 10 ft wide concrete path, adding in ADA ramps/domes to bring the path up to ADA requirements, and getting a flashing crossing at the intersection of CR15 and Sheyenne St. The County is asking for a letter of support to help with the grant application. Discussed possible options to add lighting to the bike path, as well as extend the path further north to provide connectivity to the residential subdivisions. **MOTION, passed – To provide a letter of support for Cass County Highway Department’s grant efforts for Kindred Shared Use Path upgrades; Spelhaug moved; Peraza seconded. RCV; MCU.**

**KPH, Inc. v. City of Kindred and Moore Engineering, Inc.: Mediated Settlement Agreement and Release (Project 2019-1):** This formalized agreement is the same as the hand-written agreement prepared after the mediation in October. **MOTION, passed – To approve the Mediated Settlement Agreement and Release; Spelhaug moved; Peraza seconded. RCV; MCU.**

**Recorded Audio & Video Council Meetings, Facebook Page, Employee Reviews, City Hall Hours, Council Portfolio Reassignments:** CM Johnson’s agenda items for discussion. CM Johnson talked about streaming the meetings to provide residents an opportunity to attend virtually. Discussion about the possibilities – recording vs live streaming, potential costs of buying new equipment, setting up multiple speakers. Auditor Arnaud said we could potentially set up a live Teams meeting for the December council meeting. CM Peraza offered to work with Arnaud to do some testing of the software/tech setup.

CM Johnson also would be in favor of the city getting a Facebook page; she feels it is where a lot of people seek information anyway. Mayor Kersting said it would need to be determined who is in charge of monitoring/posting and how/when this would be done. Arnaud shared that having a plan and social media policy in place first would be beneficial, noting the League of Cities and other communities could be great resources. Discussion regarding the Kindred App, the website, and other social media options. CM Peraza noted that the current information sources are not linked, providing a one-click solution for notices; each source requires a separate editing/publishing process. CM Johnson inquired about who receives the agenda and when it is posted. Arnaud stated the Council agenda is typically posted by the Friday before the meeting; on the website, on the City Hall door, is emailed out to the city agenda email list (this is a list of people who have requested to receive the agendas via email, as well as all City board/committee members), and the Kindred App’s “Upcoming Events” calendar is linked to the City’s website for the agendas too.

CM Johnson also discussed the timing of employee reviews as it relates to the budget process and would prefer to have them completed earlier in the year. CM Johnson also questioned the increase in wages last year, with concerns of not seeing the review documents and the increases being quite high. CM Spelhaug said the reviews were completed in December 2022 and the board discussed them at the January 4, 2023 Council meeting. Mayor Kersting shared that he had met with CM Spelhaug and CM Peraza separately to discuss the Public Works and Auditor's reviews, respectfully. He noted that an unusually high cost-of-living increase for the year was considered and the NDLC salary survey was also used as a comparable for positions in similar sized communities. CM Spelhaug shared that the previous bonus structure was removed and supplemented with higher wages. Mayor Kersting said the largest factor for justification was the current market values with existing employees, with hopes to retain them and the knowledge they have in the position. CM Johnson expressed that salary considerations should be made when positions reach a higher hourly wage. Mayor Kersting and CM Spelhaug both shared that they had discussed that during the review process last year, as well as being mindful of overtime hours. CM Johnson said she understands the needs are there and it is busy; unsure of how to reduce work time or meetings to help alleviate extra hours. She noted that posted office hours are about 27 hours per week and closed for about 12 hours per week. Auditor Arnaud explained that the office can be locked at 3:30pm M-Th but staff typically accommodates requests for assistance after posted hours and does not often turn people away unless projects are being tackled or trainings/webinars are completed. Friday closures also provide project/training focus, as well as an opportunity to reduce overtime if the work week has gotten too busy. CM Johnson noted she hadn't had any complaints about the office hours from residents and wasn't seeking to make any changes. CM Johnson also wanted to discuss council portfolio assignments, suggesting that changing them on a rotating basis could provide other council members a broader education about all the portfolios. She said that this could wait until next year after the June election. Mayor Kersting stated the benefit of staying with the same portfolio builds the knowledge and experience in that area. CM Spelhaug noted that the board already reviews portfolios every two years with the election cycle. CM Johnson encouraged everyone to keep the communication flowing. No actions taken or motions made.

#### **OLD BUSINESS**

**2<sup>nd</sup> Reading of Rezone Request for Norman Acres 1<sup>st</sup> Addition:** Rezoning lots from Agriculture District to SFR-2 and SFR-3. **MOTION, passed – To approve the 2<sup>nd</sup> Reading of the Rezone Request for Norman Acres 1<sup>st</sup> Addition; Spelhaug moved; Johnson seconded. RCV; MCU.**

#### **BOARDS & COMMITTEES**

**Special Assessment Commission:** Mark Richard is interested in serving on the Special Assessment Commission; would fill one of two current vacancies. **MOTION, passed – To appoint Mark Richard to the Special Assessment Commission for a six-year term; Spelhaug moved; Stoddard seconded. RCV; MCU.**

#### **BUILDING INSPECTION/CODE ENFORCEMENT**

Auditor Arnaud provided a monthly and YTD building permit report.

#### **POOL & PARKS**

Park Board Member Lydia Ronningen will work with Auditor Arnaud to schedule a meeting date for the joint city council/park board year-end meeting. Park Board meets next week. Parks Director Mike Brown emptied the pool last month and is working on winterizing the facility; liner installation is progressing as well. PB is hosting a raffle in November – a "Supermarket Sweep" promotion. Raffle tickets are \$10.00 and can be purchased at Springbrook Tavern, Hawks Market, or from any PB member. The raffle winner will get 90 seconds to shop for their Thanksgiving meal. Proceeds of the raffle will go to the Kindred Area Food Pantry.

#### **PLANNING & ZONING**

**Ordinance Revision:** Planning & Zoning Member Joel Ronningen shared the board is reviewing the right-of-way (ROW) revisions recommendation by City Engineer to Chapter 4, noting concerns for existing properties if the ROW width's change. CE Brandon Oye shared that the new ROW widths would not change existing conditions and is intended for new development as land is platted in the future; Elm St would be identified as a "collector" road in ordinance. Attorney Sarah Wear said that a revision date is typically added when ordinances are updated and that could provide a guideline for existing/future ROW requirements. Also discussed working on a definition for shop/condo-style buildings – whether new or incorporated into current zoning definitions. Shop houses and "barndos" are becoming more popular and it would be good to incorporate

those into zoning definitions and try to determine where they are best suited in the community. The city can also utilize those definitions/uses with the Planned Development ordinance and those requirements can be recorded specific to chosen lots, in Norman Acres for instance. Auditor Arnaud said it would be beneficial to bring Tom Goodrum, ME City Planner, on board to help with these Chapter 4 revisions. **MOTION, passed – To approve up to \$5,000.00 to engage Moore Engineering (Tom Goodrum) for planning/zoning services; Peraza moved; Stoddard seconded. RCV; MCU.**

**Comprehensive/Land Use Planning:** Planning & Zoning member Trevor Zens reached out to NDSU extension regarding land use planning resources. They may be looking for RFPs to provide specifics of the City's needs/expectations and could possibly be interested in 2024. There was also previous discussion to engage Tom Goodrum for this. Brandon Oye added that Mapleton is working with MetroCOG to update their comprehensive plan as well, and recent opted to co-op with Moore Engineering. ME is helping with Land Use and infrastructure planning, and incorporating their knowledge of the community into a comprehensive plan/housing/economic development with MetroCOG. Oye said a similar scenario could be completed for Kindred. He will work with Adam Altenburg at MetroCOG with hopes to present something at the December meeting.

#### **MARKETING & BEAUTIFICATION**

Planters have been removed from sidewalks and are stored for the season. Winter street light banners will go up in November.

#### **POLICE**

Deputy Noonan gave the October police report. 24 calls for service which includes a large spike in traffic complaints due to farm equipment and reckless driving complaints around the school. The County has installed a temporary traffic data management device to collect data. Data collected includes speeding, seat belt violations, and distracted driving. The device will be present for about six months. Dep. Noonan has a new district supervisor, Travis McNamara. Dep. Noonan also provided an update on the fireworks/plane incident from July. There is a hearing date in December for a misdemeanor charge from the county. There are some federal agencies – the FAA and the FBI – that are also currently investigating the incident.

#### **CITY ENGINEER**

**Wastewater Collection and Treatment Improvements; District No. 2019-1:** Brandon Oye presented a document detailing the remaining items on punch list and defective items. Oye will note and visit with his team about sealing issues with some of the manholes, causing them to fill with water and potentially freeze as winter sets in. There are also some issues with trace wire connections and some fencing at the lagoon site. Will have to keep in touch as far as what KPH's plan is for the unfinished work and defective work. Making sure all easements are on record/closed/final and still have to close out with funding agencies.

**Dakota St Sidewalk, Spruce St & Elm St Drainage Improvements:** PWS Schock reported that hydroseeding for soil stabilization has been done for the season. Approaches and culverts are installed. Key Contracting will bring more material in the spring and complete the sidewalk project in the spring. Funding update – working with BND on finalizing the loan. **MOTION passed – To approve Invoice 35593 for \$3,213.20; Stoddard moved; Peraza seconded. RCV; MCU**

**Newport Ridge & 7<sup>th</sup> Ave Paving; District No. 2024-1 and 2024-2:** Oye stated surveying is complete, working on plans and storm modeling for the detention pond. A mid-December plan review meeting is being coordinated; bid opening could be mid-late March. BND funding app is in progress. Oye also trying to get funding from flood sales tax from the Diversion for the detention pond. Kindred hasn't yet requested any of those funds (½% sales tax for diversion) that can be used for flood risk reduction (existing development adding flood protection; this funding is not to be used for NEW developments). Application is due Nov. 13 – meeting is November 20. Braun Intertec will prepare a geotechnical evaluation report, soil borings, etc. for this project. **MOTION, passed – To approve Braun Intertec Geotechnical Report Proposal estimate for \$19,951.00. Peraza moved; Spelhaug seconded. RCV; MCU.** Invoice presented covers 12 months of work; can delay payment until loan is finalized and funds are available. **MOTION, passed – To approve Invoice 35674 for \$138,909.59. Peraza moved; Stoddard seconded. RCV; MCU.**

**Norman Acres:** PW Committee is ready for preliminary plat review next week. Will include Parks & Rec and P&Z with developer meeting. **MOTION, passed – To approve Invoice 35585 for \$7,413.30. Stoddard moved; Peraza seconded. RCV; MCU.**

**General City Engineer:**

Lead Service Line Inventory - should find out about funding via NDDEQ for Kindred in the next several weeks. Brandon Oye is involved in a West Metro Perimeter Highway Study. This study would be looking at alternative connections/routes around the FMWF metro area; Oye will update on any information pertinent to Kindred as he is attending meetings on behalf of Mapleton.

**PUBLIC WORKS REPORT**

PWS Schock reported most of the construction updates were covered in the engineer's report – i.e.- the sidewalk project and lagoon project. Also meeting as needed for plan reviews of Norman Acres and the NPR/7<sup>th</sup> Ave project. Schock was contacted about the excess clay pile leftover from the lagoon project and recommended the city put it out for bid. Will list a bid for two weeks in the Cass County Reporter for the entire clay pile (approx. 43,000 cubic yards of material) with potential bid opening on 21<sup>st</sup> if timing permits. **MOTION, passed – To advertise for bids the excess clay from the lagoon project. Peraza moved; Stoddard seconded. RCV; MCU.**

**AUDITOR REPORT**

**Consent Calendar:** Removed raffle permit application. **MOTION, passed – To approve the following consent calendar items: 2024 Cass County Sheriff's Office agreement for policing services, 10/4/2023, 10/9/2023, 10/10/2023, 10/16/2023 meeting minutes, delinquent utilities list, bills for payment and Oct financial reports. Spelhaug moved; Peraza second. RCV; MCU.**

Auditor Arnaud reported on insurance policy renewals. And library building items: sent over a draft of the lease document; no abstract update, but the survey work was completed today. Update on the 2017 & 2018 audit work. Lead & Copper survey results came back satisfactory. Certification of Special Assessments deadline is today but Arnaud hasn't yet received the summary from the county to certify. Private water service repair that was completed for Springbrook Tavern can be invoiced for the 1<sup>st</sup> year and can be specially assessed for the remaining amount next year as their status is still not active with the state.

**COUNCIL & MAYOR REPORTS**

CM Spelhaug: none

CM Johnson: Reported attending the P&Z meeting and inquired about the south Elm St property owner's possessions that encroach onto the newly purchased city land by the water reservoir (part of the Plains Addition plat). CM Johnson asked if it had been surveyed/pinned yet and inquired if a letter should be sent informing property owners to remove their items from city-owned property. Mayor Kersting suggested he reach out and talk to the property owners first and follow up with a letter after providing a deadline to remove their possessions.

CM Stoddard: none

CM Peraza: none

Mayor Kersting: Thank you again to all attendees for a great meeting!

**ADJOURNMENT**

**MOTION, passed – To adjourn the meeting at 9:11 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