

KINDRED CITY COUNCIL – MEETING MINUTES
Wednesday, August 2, 2023 | 7:00 pm | Kindred City Hall

MEETING CALLED TO ORDER AT 7:00 pm by Mayor Kersting with CMs Spelhaug, Johnson, Stoddard, and Peraza present. Others present: PWS Rich Schock, City Auditor Tabitha Arnaud, City Attorney Sarah Wear, City Engineer Brandon Oye, Deputy Auditor Jackie Johnson, Sheriff Jesse Jahner, Deputy Bryce Noonan, Building Inspector Mike Blevins, Mark Ottis, Marlowe Rud, Sheena Bateson, Zach Bateson, Amy Thilmony, Brandon Thilmony, Sally Erickson, Trista Briscoe, Ashley Wasvick, Jordan Swanson, Jacob Freiler, Dennis Grocott, Lydia Ronningen, Jamie Swenson, Brent Plante, Trevor Zens, Codie Zahradka, Jeff Wanner, Mark Richard, Joel Alm, Adam Mund, Nate Opgrand, Liz Mars, Jan Russell, Joel Ronningen, Wayne Ruten.

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

NEW BUSINESS

Cass County Sheriff's Office: Sheriff Jahner reported on 2022 statistics, high jail population, budgets, deputy stats, and various specialty departments such as K-9 units, drug task force, and air/land rescue patrol. Sheriff Deputy Bryce Noonan will continue to serve Kindred for another year under the City's annual contract for a half-time officer and Kindred Public School's School Resource Officer Joseph Koerber will be full-time for 2023-2024, instead of his previous half-time position. Sheriff Jahner also walked through scenarios and provided education on reporting unusual activity or requesting help. For assistance or questions, do not hesitate to call 911 or use the Non-Emergency Red River Regional Dispatch number: (701) 241-7660.

Mosquito Control: Adam Mund expressed concern regarding alternate mosquito control options for the community, noting his request to opt out of aerial spraying. CM Spelhaug confirmed that a property can opt out of ground spraying with Cass County Vector Control (the property is mapped and will be considered during applications) but cannot be exempt from aerial spraying. Discussed trap counts, precipitation, and working with both ground spraying and aerial spraying applications for the best overall impact. Mayor Kersting thanked Mr. Mund for attending and said his comments would be taken into consideration.

Moving Building Permit: Tabled by P&Z; awaiting additional information from the applicant. No action at this time.

Memorial Building Light Upgrade: Electrical quote includes upgrading all the lighting fixtures to LED, as well as replacing four ceiling fans with speed control. **MOTION, passed – To approve Kody's Electric Proposal for Memorial Building lighting and fan upgrades of \$2,867.00. Stoddard moved; Peraza seconded. RCV; MCU.**

OLD BUSINESS - none

BOARDS & COMMITTEES

Kindred Community Club: Kindred Days next weekend! Member Lydia Ronningen thanked everyone for their hard work to make this event happen! Check the flyers, website, Facebook for current updates throughout the weekend.

Kindred Tree Board: Member Liz Mars reported on the \$10,000 NDFS grant received to remove selected trees that were noted to be in poor or dangerous condition. The tree removal was completed last week by Carr's Tree Service, and they will return for stump grinding after Kindred Days. Mars noted that trimming/removing trees will aid the smaller/younger trees to flourish once they are out of the shadows. Discussed the grant's allowance to submit additional trimming/removal to maximize the full \$10,000 benefit; additional grant opening and plans for planting new trees in 2024; updating the TIP tool regularly. Mayor Kersting shared that it can be hard to remove large, aged shade trees but safety and liability concerns should always be considered. Mars shared she is willing to talk to anyone to help educate and provide resources (nurseries and NDSU Extension trainings) to those interested in planting new trees.

BUILDING INSPECTION/CODE ENFORCEMENT

Blevins: 11 permits YTD. 2023 numbers are trending lower than 2022, in all Midwest Inspection Services communities.

241 Linden St: Council reviewed the updated notice sent for mowing/trimming of overgrowth. Contractors will be arranged to complete the work, and expenses will be assessed to the property taxes.

POOLS/PARKS

Lydia requested to form a committee/group for City Park updates and Rustad lot concepts. Any interested community member can be involved; reach out to cityofkindred@msn.com.

PLANNING & ZONING – none

MARKETING – none

POLICE

Deputy Noonan gave the [July police report](#). Spent a week in Orlando for drone unit management training. Discussed the new traffic laws effective August 1, 2023. Provided Night to Unite event details for August 3, 2023: time, food, agencies, road closure for downtown area.

CITY ENGINEER

Wastewater Collection and Treatment Improvements; District No. 2019-1: Contractor is continuing work at the old lagoon site and remaining punch list items. Damages to the street from contractor equipment still need to be addressed, as there has been no response to the letter mailed by the City; Brandon Oye will work on putting together estimates. Moore is reviewing a change proposal requesting a 60-day time extension for lagoon work. When advised that gravel was needed in several locations along 53rd St SE between the new lagoon and 164th Ave, KPH was hesitant to complete the work noting uncertainty of getting payment due to current lawsuit. Moore requested quotes for 850 yards of Class 5; lowest bid is Rustad's Gravel.

MOTION, passed – To approve Rustad's Gravel bid \$11,850.80. Peraza moved; Stoddard seconded. RCV; MCU. MOTION, passed – To approve ME Invoice 34444 for \$23,671.21. Peraza moved; Spelhaug seconded. RCV; MCU. Discussed amendment to engineer agreement for additional time related to dispute resolution. **MOTION, passed – To approve engineer agreement amendment for \$29,000.00. Peraza moved; Spelhaug seconded. RCV; MCU.**

Dakota St Sidewalk, Spruce St and Elm St Drainage Improvements: Bid opening was held on 7/13/23 with a range of \$434K-\$639K for only construction work; Base bid completion date is 7/12/24. An alternate bid option was included with an early completion date of 10/27/23. Key Contracting submitted the lowest Base bid at \$434,975.50, and Alternate bid for an additional \$20,000.00. The updated total estimated project cost is \$640,000.00 using the bids from Key Contracting. Reviewed updated estimated special assessment breakdowns using these figures and regional/local benefits, and options for early completion. **MOTION, passed – To award bid for Improvement District 2023-2 to Key Contracting, Inc for the Base Bid only of \$434,975.50 (without alternate). Stoddard moved; Peraza seconded. RCV; MCU. MOTION, passed – To approve ME Invoice 34364 for \$12,047.77. Spelhaug moved; Johnson seconded. RCV; MCU**

Plains Addition Plat (Water Reservoir property): Plat recorded 7/12, property pins set 7/17. Project is considered complete and will be removed from Engineers Agenda.

Newport Ridge & 7th Ave Paving; District No. 2024-1 and 2024-2: Board and staff discussed a few of the identified concerns within the written protest letters received: The inclusion of the detention pond is needed to address drainage and downstream impacts of water runoff, utilizing the Storm Water Management Policy; Splitting the costs of the project in a different manner would be part of the Special Assessment Commission process that would be thoroughly reviewed after the final costs are known. A total of [26 written protest letters](#) for the 2024-1 NPR project; [calculated area of properties](#) protesting is 16% of the total land within the improvement district, 24% if the public and developer owned properties are removed from the equation. No letters of written protest were received for the 2024-2 7th Ave project. **Mayor Kersting opened the Public Hearing for protest of Improvement Districts 2024-1 & 2024-2.** Discussion included snow removal procedures, quality of materials used for the project and third-party testing requirements, understanding that special assessments are difficult for every property owner. Mayor Kersting appreciated the efforts of those that submitted letters, many addressed concerns on growth, childcare, and schools. He noted that all are valid concerns, that the school board was aware of this development and other potential developments and is prepared to accommodate additional students in the future, as well as that the City will be working on a new comprehensive/growth plan. Discussed communication improvement comments related to the project timeline and marketing by the developers, use of the Cass County Reporter for legal notices and alternate methods. CM Johnson shared with her absence in June that she was just receiving this information as the residents, would like more time to review info/documents before the meetings, would recommend splitting the project up into different phases if it would help reduce the costs. Previous Mayor Jeff Wanner shared that his City Council experience with the first phase of NPR in 2006 was very similar to this public hearing; he relied heavily on the city engineer and attorney for their guidance in navigating the process and being sure all procedures were completed according to the rules; he encouraged everyone currently to do the same to try to get some resolution on the project. Oye noted the next steps, if the project proceeds, would be to complete the design and specifications so it can go out for bids around March 2024; bids would be reviewed and can be awarded, rejected, or rebid if costs are too high. Discussed the estimated special assessment breakdown again; these are only estimates and the detailed breakdown would be determined and finalized through the Special Assessment Commission meetings once final costs are known. Discussed financing options; City would utilize the Bank of ND Infrastructure Loan program which offers a 2% interest rate; the City has the authority to add up to 1.5% onto that rate for the special assessments, CM Spelhaug said he

would support the City reducing or eliminating the additional interest to pass along some additional cost savings to property owners. Hearing no further comments, **Mayor Kersting closed the public protest hearings.** Attorney Wear advised that a motion is to declare there are insufficient protests (less than 50% of the land area of each district) received for these projects; this does not obligate the City to proceed with the projects and is one of the many housekeeping legal items required for the process. **MOTION, passed – To approve the resolution determining insufficient protests for Improvement Districts 2024-1 (Newport Ridge Phase 5) and 2024-2 (7th Ave).** Stoddard moved; Spelhaug seconded. RCV; MCU. **MOTION, passed – To table resolution directing engineer to prepare plans and specs.** Spelhaug moved; Stoddard seconded. RCV; MCU.

PUBLIC WORKS REPORT

Kindred Days prep. Discussed need for different equipment to mow the new lagoon. Spelhaug/Schock have been researching and costs range from \$3K-\$20K; Oye noted that the City can use project financing for the equipment if needed. **MOTION, passed – To approve up to \$15,000.00 to purchase a batwing mower.** Stoddard moved; Peraza seconded. RCV; MCU.

AUDITOR

Consent Calendar: **MOTION, passed – To approve Meeting Minutes of 07/05/2023 & 07/24/2023; Raffle Permits for Kindred Firefighters Association, Kindred Community Days, and St. Maurice Catholic Church; Off-site event permit for The Uptown Eatery; Residential Tax Exemption on New Construction for 433 Skylane St; Delinquent Utility Accounts List; Bills for payment and financial reports for July 2023.** Johnson moved; Spelhaug seconded. RCV; MCU. A special meeting for review of the 2024 preliminary budget will be scheduled next week, prior to August 10th. Discussed pending new miscellaneous special assessments for 2023 snow removal, mowing, and unpaid utility bills; will be finalized in October.

COUNCIL & MAYOR REPORTS

CM Peraza: Thank you all for attending the meeting!

CM Spelhaug: Reminder that there are two current openings for the Special Assessment Commission.

ADJOURNMENT

MOTION, passed – To adjourn meeting at 9:15 pm. Spelhaug moved; Peraza seconded. 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