

**KINDRED CITY COUNCIL - REGULAR MEETING MINUTES**  
**04-01-2020 at 7:00pm at Kindred City Hall/Conference Call**

**MEETING CALLED TO ORDER AT 7:00pm** by Mayor DuBord with CMs Spelhaug, Amerman (via phone), Stoddard, and Peraza present. Also present: City Engineer Brandon Oye (via phone), City Attorney Sarah Wear (via phone), PWS Rich Schock (via phone), and City Auditor Tabitha Arnaud. Guests: Jeff Wanner & Josh Novotny. Mayor DuBord began the meeting with the Pledge of Allegiance.

**APPROVE AGENDA**

**MOTION – To approve the agenda with revisions;**  
**Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.**

**CONSENT CALENDAR**

**MOTION – To approve Consent Calendar: city council meeting minutes of 03-04-2020 & property tax exemption on new construction (466 P-51 Blvd);**  
**Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.**

**COUNCIL BUSINESS**

A. Police: Deputy Beckius presented the March 2020 report with 23 calls for service, as follows: 5-medical; 2-animal calls; 2-public assist; 4-suspicious; 1-burglary; 2-reckless driving; 2-disturbance; 2-911 hang up; 1-threat; 1-accident; 1-impaired driver. Deputy Beckius noted: the burglary was at the MLGC storage building on 7<sup>th</sup> Ave S and is still under investigation; there will be increased patrol to monitor flooding concerns, although the risk has been reduced.

B. Old Business

- Downtown Zoning: The effort of this zone is to promote more active business traffic in our downtown area. At the March meeting, the P&Z Board discussed what properties should be rezoned to Downtown District and their recommendation is the North and South properties of Elm Street on the 400-500 blocks. They discussed the option to revise the General Commercial ordinance to include language intended to move “storage” of vehicles or personal items into a Conditional Permitted Use. Jeff Wanner, part-owner of Road Runner Auto and the vacant lot to the East on Linden St, shared that they have discussed adding a self-storage facility in the vacant space. The Downtown District would greatly impact this. The board discussed that even though this facility would intentionally be for storage of personal items or vehicles, it would still be a revenue generating facility. Josh Novotny, owner of Dakota Hills Electric which has moved to a new location on Hwy 46 west of town, has two GC properties on Spruce St. He shared that leaving these properties as GC would leave greater options for the properties to be used for construction, contractor, or manufacturing type businesses.

**MOTION – To proceed with the rezone of the following properties from General Commercial to Downtown District: 400-500 Block, North & South properties of Elm St (#7-9 and #11-28 on map);**  
**Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.**

- City Property: 521 Elm St:

**MOTION – To open public hearing for rezoning of 521 Elm St;**  
**Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.**

Rezone from GC to Downtown District for this property is ahead of the rest of the downtown area so that the City can list the property for sale. Mayor DuBord and CM Spelhaug met with contractors for repair options/quotes on masonry and roofing. Masonry work would be minimum \$5K, \$30K would get it into great shape. Roof quote was \$26K. The City had received insurance claim payment of \$5700 for damage due to the June 2018 hailstorm but had opted to not repair at that time.

**MOTION – To close public hearing for rezoning of 521 Elm St;**  
**Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.**  
**MOTION – To approve rezone of 521 Elm St from GC to Downtown District;**  
**Spelhaug moved, Stoddard seconded. RCV; Motion carried unanimously.**

- Public Hearings for SFRA-3 Zone & Preliminary Plat for NPR 7th Addition:

**MOTION – To open public hearings for Newport Ridge rezoning and final plat;**  
**Spelhaug moved, Stoddard seconded. RCV; Motion carried unanimously.**  
**MOTION – To close public hearings for Newport Ridge rezoning and final plat;**  
**Spelhaug moved, Stoddard seconded. RCV; Motion carried unanimously.**  
**MOTION – To approve Newport Ridge 7<sup>th</sup> Addition final plat & 2<sup>nd</sup> reading of rezone for Lots 1-8 and 18-20, Blk 1 & all of Blk 2 from AG to SFRA-2 and Lots 9-16, Blk 1 from AG to SFRA-3;**  
**Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.**

### C. New Business

- RFQs for 2020 Flood Fight Engineering Services: As part of the formal emergency declaration process, the City sent out Requests for Qualifications to engineering firms to provide flood fight assistance if it would be needed. One firm was unresponsive, one declined to provide an RFQ, and Moore Engineering provided their RFQ for the services. The ideal weather conditions over the last month have provided great relief and reduced the risk of major flood concerns, however, the unknown future weather conditions level potential for minor flooding that needs continued monitoring. Should the services be needed, it is best to be prepared and ready.

**MOTION – To approve Moore Engineering Inc for 2020 flood fight engineering services; Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.**

- COVID-19 Response:

Parks & Public Facilities – Steve Hall called to share that the schools will be following the recommendations of National Parks and Recreation and will be marking the elementary school playground as closed to help reduce the spread of the virus. Track and other green spaces will remain open, as the intent is to close the hands-on equipment yet encouraging people to get out to be active and enjoy the outdoors, maintaining physical distance from other park visitors. The City will monitor the playground areas, along with the Kindred Park Board; notice will be posted of not disinfecting equipment, possibly closing the park if need be.

Utility Billing Late Fees and Shut Offs – Generally, the City is willing to work with any resident who is undergoing hardships which cause utility bill payments to be delinquent. This will continue and the city will review each account on a case by case basis. City accounts that have trouble making bill payments on time, should contact City Hall to discuss their options. For the month of April, no shut offs will be performed and late fees will be waived.

Local Small Business Assistance – Mayor DuBord has been following state and federal options to support our local businesses during this time. The ND Department of Commerce has many resources available. And the Small Business Administration has financial loans/grants available as well. The City has the option to lend additional support by matching a local small business's SBA loan by up to 50%. Will continue to monitor programs and keep in contact with our local business owners. Both Kindred Spirits and Morning Glory Café are offering take out, Quick Mart is offering home delivery if requested.

### D. Engineering:

- **Wastewater Treatment Improvements; Sewer Improvement District 2019-1**: Waiting on landowner response to offer. Environmental assessment is 5-7 weeks out until completion. Need these two items before additional work can move forward. Archaeology study was completed with no findings, but requests to have an archaeologist on site during excavation.

**MOTION, passed – To approve Beaver Creek Archaeology Invoice CRM3636 for \$2,570.00; Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.**

**MOTION, passed – To approve Moore Engineering Invoice 23269 for \$15,376.20; Peraza moved, Stoddard seconded. RCV; Motion carried unanimously.**

- **Newport Ridge Phase 4; Improvement District 2020-1 & Water Looping Project 2020-2**: BND loan funding has approved the inclusion of the water looping projects expenses into the NPR 7<sup>th</sup> Addition bond. Bid opening was held March 11<sup>th</sup>; the highest bid was \$1,315,520.00 from Naastad Brothers Inc and KPH Inc with the lowest bid of \$894,147.70 for NPR 7<sup>th</sup> & water looping through the airport. The total water looping estimate is \$247,000 which will be partially funded by the ND State Water Commission and properties included in the 2020-2 Improvement District. Moore Engineering makes the recommendation to award the contract to KPH Inc; see additional letter on COVID responses. Engineering Agreement Amendment #1: document did not get distributed to council members, tabled to next month.

**MOTION, passed – To approve the Notice of Award of contract for Sewer, Water, & Street Improvement District No 2020-1 & Water Improvement District 2020-2 to KPH Inc for \$894,147.70, Resolution accepting Bid, Showing Receipt of Engineer's Statement of Estimated Cost & Directing Execution of Contract; Stoddard moved, Spelhaug seconded. RCV; Motion carried unanimously.**

- **7<sup>th</sup> Avenue Improvements**: Brandon provided list of quotes for the work ranging from \$39,400-\$46,842. Asplin Excavating quoted \$28K months ago, but did not respond to bid request when notified.

**MOTION, passed – To approve Comstock Construction bid for 7<sup>th</sup> Ave Improvements of \$39,400.00; Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.**

**MOTION, passed – To approve Moore Engineering Invoice 23271 for \$2,047.50; Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.**

- **Viking Addition Dewatering Well (2<sup>nd</sup> Ave S):** Project will be bid for the drainage and/or well improvements; estimated cost is around \$24,500.00.  
**MOTION, passed – To approve Moore Engineering Invoice 23274 for \$4,655.00;**  
**Peraza moved, Stoddard seconded. RCV; Motion carried unanimously.**  
  
**MOTION, passed – To authorize engineer to prepare a report, approve engineer’s report contingent on Public Works approval, authorize engineer to prepare plans and specifications, approve plans and specifications contingent on Public Works approval, and authorize the Auditor to advertise for bids;**  
**Peraza moved, Stoddard seconded. RCV; Motion carried unanimously.**  
  
**MOTION, passed – To approve Moore Engineering Invoice 23147 for \$2,077.50;**  
**Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.**
- **Lift Station and Force Main Improvements – Phase 2 Wastewater Improvements:** Internal progress has been made on study. Will schedule a public works meeting to review updated study for project including growth, then will move into design phase after study approved by City.  
**MOTION, passed – To approve Moore Engineering Invoice 23270 for \$7,867.50;**  
**Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.**
- **Capital Improvements Plan:** Water system review is in progress, can discuss at public works sewer meeting.
- **Water Tower; Improvement District 2016-1:** Project is on hold until spring for grass establishment.  
**MOTION, passed – To approve Moore Engineering Invoice 23262 for \$1,810.00;**  
**Peraza moved, Stoddard seconded. RCV; Motion carried unanimously.**
- **Spring Flood Preparation:** Conditions are improving! Silver lining while dealing with the COVID-19 pandemic. The flooding risks are now low, but should conditions change, Brandon and Moore Engineering are ready to help in anyway needed.

F. PWS

- Rich has been in contact with Cass County Emergency Management regarding the pandemic response. Working to implement a policy into emergency operations manual. Fire Department is ready to assist Kindred Ambulance with any issues/incidents that arise.
- Working with Mike Blevins, Midwest Inspection Services, on tightening up building permit specs and documents for contractors.
- Used the new security cameras system to track down a resident who illegally dumped trees/brush at the compost site. The yard waste dumpsters are not yet available due to the lot being too soft yet. Hoping lot conditions improve to order them in mid-April.
- Street cleaning is needed with all the gravel showing after the spring melt, but there is still some snow in the gutter in various places. Will keep watch and schedule Pro Sweep when time is right.
- Sanitary lift station in Newport Ridge needs cleaning maintenance by Jet Way due to large amounts of cooking grease build up.
- Viking Addition lift station over loaded and went into alarm again. Determined the cause to be a private sewer cleanout that was snapped off by private snow removal for catholic church. All melt/runoff from greenspace was draining into the manhole behind 441 2<sup>nd</sup> Ave. S. Once the cleanout was plugged and green space was empty, pumps were monitored and able to catch up over a 24-hour period.
- Remaining cautious around the COVID-19 pandemic. May change up schedules for public works staff should the need arise.
- Lagoon cells were close to overtopping the banks, so an emergency discharge has begun to reduce the levels.
- Flood concerns are low, but current predictions put the crest at 19'. Will continue to monitor and keep watch for breakouts.

E. Attorney:

- **Newport Ridge Phase 3 Agreement:** According to the agreement on this phase, once lot sales/builds are at 75% of all, the promissory note is no longer needed. Developers have asked for the city to release it.  
**MOTION, passed – To approve release and discharge of promissory note on Newport Ridge 6<sup>th</sup> Addition Phase 3 and direct the mayor and auditor to sign;**  
**Peraza moved, Stoddard seconded. RCV; Motion carried unanimously.**

- **Newport Ridge Phase 4 Improvement District 2020-1 & Water Looping Project 2020-2:** BND loan documents have been provided by BND attorney. Sarah has reviewed, waiting on clarification on items.  
**MOTION, passed – To approve the bond resolution, warrant resolution, loan agreement, and authorize the execution of the agreement contingent on revisions requested by Sarah Wear; Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.**

G. Auditor Report

- With school closing both Tabitha and Emily have elementary school kids to tend too. Emily has two, so she has temporarily cut her hours to focus on the kids. Tabitha’s hours are reduced but doing what is needed to accommodate office appointments/time. Emergency PTO and unemployment options are in progress due to bills passed by federal government. Will continue to monitor progress and labor laws.
- Main Street Initiative Regional Convening has been post-poned, and many training sessions cancelled.
- Compost and Public Works Dept sign quotes received last spring are still valid: \$930 total for double sided set up. A way to inform residents on rules of use and penalties of misuse. Ok to move forward for purchase.
- Next month, Kindred Park Board is intending to approach the City for help with their financials/accounting. Their current accountant is retiring their account. Can discuss specifics next month. Also need to schedule pre-season meeting for pool operations.
- March newsletters were mailed out.
- Curbside cleanup is scheduled for Saturday, June 13<sup>th</sup>. One day only.
- Vet clinic has not yet been scheduled.
- Typically done in May, the city will not be coordinating a city-wide rummage sale this year.

H. Council Reports:

- Stoddard: Request from resident to review chicken ordinances, will research further. Remind residents of leash law for dogs. A lot of foot traffic now and often see dogs unleashed. Asked to provide notice via all outlets.
- Peraza: Warmer weather has brought a few concerns regarding speeding/racing vehicles and illegal dumping. Caution residents to keep aware of your surroundings and call in any concerns to Cass County Dispatch.

- I. Mayor Report: Encourage all in our community to reach out to our neighbors, friends, and family during this time and possibly brainstorm ways to fundraise for others or donate to the food pantry.

**ADJOURNMENT**

**MOTION, passed – To adjourn meeting at 9:22pm;  
 Stoddard moved, Spelhaug seconded. RCV; Motion carried unanimously.**

(Minutes subject to council approval.)  
 (Agenda deadline is noon Wednesday the week before the meeting.)

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 Tabitha Arnaud, City Auditor

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 Jason DuBord, Mayor

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 Date approved