

KINDRED CITY COUNCIL - REGULAR MEETING MINUTES
08-05-2020 at 7:00pm – Kindred City Hall

MEETING CALLED TO ORDER AT 7:01pm by Mayor DuBord with CMs Spelhaug (via conference call) and Peraza present. Absent: CMs Amerman and Stoddard. Also present: City Engineer Brandon Oye, City Attorney Sarah Wear (via conference call), PWS Rich Schock, City Auditor Tabitha Arnaud, Building Administrator Michael Blevins, Municipal Judge Dona Schock, Jan Russell, Mark Ottis, Eric Engstrom, & Adam Mund.

APPROVE AGENDA – Add Viking Addition Drainage Improvements to 5Aii

MOTION – To approve the agenda with revisions;

Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.

CONSENT CALENDAR

MOTION – To approve the following consent calendar items: City Council meeting minutes of 07-01-2020, July 2020 financials and unpaid bills report, Raffle Permits for Friends of the Public Library & Kindred Youth Baseball, Tax Exemption on New Construction for 104 Sheyenne St; Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.

BOARDS & COMMISSIONS – Update on Renaissance Zone Development Plan: Committee met and are continuing to work on the final draft to present to city council.

COUNCIL BUSINESS

A. Old Business

- **Code Enforcement:** Building Administrator Mike Blevins reported that two building violation notices were sent out. One for Lot #5 at 151 Spruce St pertaining to the accumulation of garbage, rubbish, building materials, junk vehicles, structure damage, and complaints of rodents and multiple dogs/cats on the property. Deadline for compliance was Monday, 8-3-2020. July 15th, the park owner spoke with Auditor Arnaud stating that tenants of Lot #5 had been evicted, and cats/dogs rehomed/sheltered. He stated he has already made arrangements for the structure to be removed once a duplicate title was received. The other was for a dangerous building violation at 180 Linden St. Exterior conditions are in disrepair, accumulation of materials, structural damage posing health/safety concerns. Owner responded within a week, willing to comply and bring the home up to code. A request was submitted for an extension from the 8-7-2020 deadline due to contractors being in the middle of their building season. Owner asked for an extension to next spring.

MOTION – To approve Notice of Dangerous Building extension for 180 Linden St to May 31, 2021; Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.

B. New Business

- **Ordinance Chapter 11-01 Chickens/Farm Animals:** Resident Adam Mund was sent a notice regarding chickens running at large at his residence, 151 Maple St. Until this complaint was filed, it was thought having chickens was not allowed. However, ordinance chapter 11-0101 & 11-0102 simply state it is unlawful for chicken to “run at large”, which means outside of your property lines, and any enclosure cannot be located within 75’ of any dwellings without written consent of the owner or tenant. As the ordinance is written, this would be allowed for domestic fowl such as chickens, ducks, geese, as well as farm animals including horse, cattle, sheep, swine, or goats. Mr. Mund shared his concern that the ordinance will now be changed and no longer allow chickens, so long as the rules are followed. Mayor DuBord, CMs Peraza and Spelhaug stated they would not object to chickens but felt that the ordinance could use additional guidance. Upon reviewing examples of ordinances from other small communities, discussion of adding coop/enclosure requirements, zoning/lot-size restrictions, quantity limitations, and possible permit. Mr. Mund stated that 2 laying hens are recommended per family member for sufficient egg supply. He currently has 8 chickens. The city will work to put together a draft ordinance document to review at the September city council meeting.
- **Viking Addition Drainage Improvements:** Resident Eric Engstrom is a resident in this subdivision and had approached council in Sept 2019 with a few other neighbors about homeowner/city responsibilities on the dewatering well that houses a sump pump for the residential properties there. See meeting minutes from 09-26-2019 & 10-2-2019. Mr. Engstrom shared that after hearing some of the project estimates, the neighborhood expressed some concerns about the special assessments. He took an initiative to see if he could mitigate the issues on his own. By making some improvements to his ditch/culvert area that had retained a lot of water due to the shallow ditches not draining. He hired a jetting company to clean out the culvert and installed PVC to use as a discharge pipe. Now the standing water is no more. Is it possible for the City to hold on any further project bidding or work until these improvements can be reviewed? Discussion regarding project work and expenses

thus far, project is ready for bidding within next month after reducing the scope of the project to attempt to reduce the total costs, whether Mr. Engstrom's improvements would work long term or short term, possibility of adding the seasonal pump changes to public works department duties. Reviewing the bids received and looking at the long-term solution, the City can choose to revise the scope of the project if needed.

- Ordinance 2020-81 - Revisions to Conditional Permitted Uses within General Commercial District and Setbacks for Accessory Structures: Public hearing will be published and scheduled at September 2nd council meeting. This is the formal update to discussion from June-July council and P&Z meetings.

MOTION – To approve 1st reading of Ordinance 2020-81;
Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.

- Deputy Auditor Position: CM Peraza and Auditor Arnaud interviewed applicant Ms. Sullivan and feel she will be a good fit for the position. She has recently moved to Kindred from OR to be closer to her family; many of her previous positions were centered around customer service and finance, even some property assessment and forestry knowledge as well.

MOTION – To approve hiring Barbara Sullivan as full-time Deputy Auditor, up to 40 hrs/wk at \$15.00/hr, NDPERS retirement plan & holiday pay effective immediately, PTO to accrue immediately not to be used until after employee evaluation completed at 6 months;
Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.

- C. Pool/Park Board: Due to time constraints and city deputy auditor leaving in June, the Park Board has decided to hire out an individual contractor for their accounting services instead of working with the City for this service. They are still interested in exploring the financial relationship with the City when the timing is more suitable. Discussion of having a council member attend the park board meetings and visa versa to help strengthen the communication and relations.
- D. Marketing: Mayor DuBord had salvaged a chunk of an Aspen tree that was removed from Elm Street last summer and had a gentleman from Mandan craft pens, dying them Kindred blue. It was a hope to sell them during Kindred Days this year, but will hang on to them until next year. The City does still have shirts available for purchase as well. Also been working with CM Amerman and Peraza on beautification of city grounds.
- E. Police: Deputy Beckius was unable to attend the meeting but provided the July 2020 report with 30 calls for service as follows: 2-medical; 4-animal calls; 8-public assist; 4-suspicious; 1-disturbance; 4-traffic complaint; 2-domestic; 1-assist other agency; 1-found person; 1-911 hang up; 1-gas drive off; 1-impaired person. Deputy Beckius shared he has put in a request for the sheriff's office radar trailer to be set up on Dakota St and it should be in place soon.
- F. Engineering:
- **Wastewater Treatment Improvements; Sewer Improvement District 2019-1**: Two potential sites were chosen for further evaluation on the West side of the city, Naslund & Braaten site access agreements are confirmed. Braun Intertec should be out this week for soil borings. Will begin to contact area farmstead owners to get preliminary consensus of project placement.
 - **Newport Ridge Phase 4; Improvement District 2020-1 & Water Looping Project 2020-2**: KPH has submitted a change proposal, but Moore is awaiting additional documents for review. Soil compaction has failed due to wet soil issues. KPH has been slow moving and uncommunicative in this regard. The watermain loop is complete, however some items were done incorrectly; dug through the force main and electrical conduit for airport runway lights when crossing with the water main, installed fire hydrant at incorrect location per project plans, and the city may need to acquire additional easement due to installing the new line too close to outside of easement. Moore is tracking all time and expenses related to these issues as there is potential for the city to withhold funds to cover the additional costs. Contractor has submitted an application for payment for \$146,437.98, engineer recommendation to retain \$47,642.68 for compaction work not completed, and consider holding payment until runway lights are repaired as it has been 2 ½ weeks since the damage and airport cannot property operate at night without lights.

MOTION, passed – To approve Contractor's Application for Payment No. 2 for adjusted total of \$98,795.30 contingent on electrical conduit for airport runway lights being repaired before processing;
Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.

MOTION, passed – To approve Moore Engineering Invoice 24314 for \$8,665.00 & Invoice 24311 for \$18,501.95;
Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.

- **7th Avenue Improvements:** Contractor has not requested a final CAP, Moore will review when received.
MOTION, passed – To approve Moore Engineering Invoice 24304 for \$475.00;
Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.
- **Viking Addition Dewatering Well (2nd Ave S):** Most of update discussed in New Business. Will move forward with bidding the project so true costs can be considered. Since resident improvement has solved issues for short term, could look at extending the project completion date in bidding documents in an effort to reduce overall costs.
MOTION, passed – To approve electronic bid submittal and virtual bid opening;
Amerman moved, Spelhaug seconded. RCV; Motion carried unanimously.
- **Lift Station and Force Main Improvements – Phase 2 Wastewater Improvements:** On hold until lagoon project is confirmed. Potential to combine into the same project since directly related and construction would likely take place at the same time.
- **Capital Improvements Plan:** Held a meeting with Public Works Committee and Cass Rural Water on 7/31/2020. Discussed the future needs of the city for storage, supply, etc. Need to work together and be on the same page so the city can supply the community adequately.
- **Water Tower; Improvement District 2016-1:** Final Balancing Change Order presented with an additional reduction of \$38,178.50, making the final project total \$866,696.50. Maguire Iron has submitted a final payment request, ME recommends \$7,000.00 offset to cover defective work identified in KLM 1-year inspection.
MOTION, passed – To approve Final Balancing Change Order No 7 reducing contract by \$38,178.50, and Contractor’s Application for Payment No 20 for \$17,223.13;
Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.

MOTION, passed – To approve Moore Engineering Invoice 24283 for \$8,924.60;
Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.
- **Alley Survey:** Moore worked with public works to identify the alleyway concerns and put together a proposal for survey services. Identified 3 phases, would survey the end of each block (not every lot) to reduce fees and yet establish boundaries. Encroachments could cause additional issues. Fees are high estimate and could come in less if field work is quicker; ranging from \$7800-10,200 per phase. Discussed the benefit for the city to know where the lot lines are: would know exactly where maintenance is needed for gravel replacement or snow removal, what is the return on investment? Will look at identifying individual sections instead of doing the full 3-phase project.
- **5th Ave N Sidewalks:** Moore provided a proposed scope area based on discussion, showing sidewalk improvements from Spruce St north to Dakota St on 5th Ave N, as well as sidewalk crossings at cul de sac intersections. The engineering costs on smaller projects can be about the same if additional areas are identified to be updated or included in the project as well. Possible alternate areas to consider: Linden St west of pool, connecting County 15 bike path to softball fields, Sheyenne St at 2nd Ave S, around truck route? Discussed funding options with Transportation Alternatives grants through NDDOT. Would like to meet with school staff for additional input. Topic tabled to September.
- **Kindred Standard Specifications & Details:** An update to the city standards regarding street signage. Will create consistency among street signs with size, font, and text abbreviations.
MOTION, passed – To approve street sign detail;
Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.
- **Downtown Beautification & Sidewalks:** Will meet later in August.

G. PWS

- Working with Sheriff’s Department on request by council to install stop signs at Evergreen Circle and Viking Circle and putting school zone in place on Dakota St. Checking with attorney on appropriate signage and fee restrictions to ensure it is all installed to traffic regulations. Would like to meet with the school to coordinate/discuss sidewalk crossings and/or improvements. Speed bumps could cause more issues and be more expensive; would recommend implementing the stop signs first to see if that improves traffic concerns.
- Street damage at 388 Cessna Ave: sub-contractor of home builder has equipment failure that caused hydraulic fluid to leak on to street. Used back fill to attempt to absorb fluid. Now street has already degraded and is

compromised; will need to be milled and repaired. Sub-contractor has admitted fault and been in contact with public works and Mike Blevins on the matter. Discussed letting the contractor do the repair on their own or the city repairing the damage and billing the contractor for the expense; the latter being preferred.

H. Finance: Preliminary budget for general fund presented with increase of about 7% from 2020, a total of \$137,074.00 for the 2021 calendar year. Preliminary budget can be reduced at the final budget hearing (October 7th) but can not be increased higher. Will plan to set a special meeting for additional in-depth discussion.

MOTION, passed – To approve the preliminary budget for the year 2021 with the general fund levy at \$137,074.00;

Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.

I. Auditor Report

- Shelton Tronnes has reached his 6-month probationary period and his health insurance is expiring at the end of August. Part of his hiring package was health insurance, however, the NDIRF health insurance trust policy the City is hoping to partake in, is not ready for enrollment until at least January 2021. Request to reimburse Shelton for 50% of health insurance premium until city policy is established.

MOTION, passed – To approve 50% health insurance reimbursement of policy for S. Tronnes until City policy is established January 1, 2021;

Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.

- Reminder that Memorial Building furnace failed last spring and a replacement or upgrade should be considered. One quote received thus far was about \$15,000 for a new HVAC system, excluding electrical/plumbing expenses. Will request additional quotes.
- New Deputy Auditor will start Monday, August 10th.

I. Council Reports:

- Peraza: Has had reports of illegal dumping at compost site. Sheriff's department is willing to contact violators if camera footage can identify and get quick response. Following ordinance for notices/penalties should still be considered.

ADJOURNMENT

MOTION, passed – To adjourn meeting at 10:46pm;

Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.

(Minutes subject to council approval.)

(Agenda deadline is noon Wednesday the week before the meeting.)

Tabitha Arnaud, City Auditor

Jason DuBord, Mayor

Date approved