

KINDRED CITY COUNCIL MEETING MINUTES
09-04-19 at 7:00pm at Kindred City Hall

MEETING CALLED TO ORDER AT 6:59pm by Mayor DuBord with CMs Spelhaug, Amerman, Stoddard, and Peraza present. Also present: City Engineer Brandon Oye, City Attorney Sarah Wear, PWS Schock, and City Auditor Arnaud. Mayor DuBord began the meeting with the Pledge of Allegiance.

APPROVE AGENDA

MOTION – To approve the agenda; Spelhaug moved, Amerman seconded. RCV; Motion carried unanimously.

CONSENT CALENDAR

MOTION – To approve the Consent Calendar: council meeting minutes of 08-07-19, August 2019 bills and reports; Amerman moved, Stoddard seconded. RCV; Motion carried unanimously.

BOARDS & COMMISSIONS

- **Kindred Public Library:** The next meeting library meeting is 9-9-19 and CM Peraza will attend. Library representative Lisa Anderson presented the 2018 library report to city council. Kindred Public Library, started in 2002, is regulated by state law, and is operated by 100% volunteer staff. The 2018 summary provided statistics on users, types of services offered, programs and events held throughout the year, as well as the funding sources for the library. Ms. Anderson stated that they have been working to update all the computer systems within the library and noted that the council attendance to library meetings and city involvement has been great! The library board requested the city council consider assisting with snow removal for the 2019-2020 season. The snow removal expenses over the last two winter seasons averaged \$2200/season. If the city were to take this responsibility, it would allow those funds to be used elsewhere within the library. City council conferred with Rich on feasibility and responsibilities, including whether the city has the proper equipment/staff and what liabilities the city would have. Council advised Ms. Anderson they would consider the request when reviewing the city budget.
- **Kindred Community Club/Kindred Days:** Community Club met on August 13 for a post-Kindred Days wrap up meeting; they provided the minutes from that meeting. Overall, this year's event was highly successful! Dates for 2020 are set for July 31-August 2. The city booth went extremely well! All merchandise was sold out! Thanks to donations from area businesses the city broke even on the expenses. There was a small printing error on the long sleeve shirts and the print on the pint glasses wore off on some glasses before they were even washed. Tabitha submitted a claim with the company and they are issuing new orders of those items at no cost. We will encourage anyone who purchased a pint glass that has since lost its logo, to return it to City Hall for an exchange.
- **Kindred Economic Development and Renaissance Boards:** No new updates. Looking to schedule meetings later this fall. Lake Agassiz is still working on the Renaissance Zone and the update to the downtown zoning district.

COUNCIL BUSINESS

A. Old Business

- **Elm Street Sidewalks/Concrete Projects Update:** All projects are complete and invoices have been received. There have been some resident concerns regarding the higher sidewalks creating drainage issues. Precipitation should flow thru the greenspace, just as before. Heavy precipitation over a short about of time may cause pooling, however, we also have a high water table and, to some extent, this can be expected. If there are any issues that are not resolved after a few days, residents are encouraged to contact City Hall. Tabitha will begin itemizing and creating invoices for each property's related work that was completed. Notices will then be mailed to property owners giving them the opportunity to make payment on the balance ahead of the costs being added to their property as a special assessment.
- **Radio Read Meter Update:** Ferguson Waterworks has been working on creating notices that will be sent out to home/businessowners. They are hopeful to start the installation process towards the end of August and hope to complete the installs within 3 weeks. All appointments will need to be scheduled directly with Ferguson Waterworks. They will contract with a local plumber (Skooter's Plumbing, Moorhead, MN) to complete the upgrades. Some homes with newer meters will only need a radio unit wired in; others with older meters will receive a complete meter changeout. It is the homeowner's responsibility to ensure the plumbing and shut off valves before and after the meter are in good working order. If the valves appear questionable, the upgrade will need to

be rescheduled and plumbing/valves updated before work is completed. This will be at the homeowner's expense. Rich will be on call to assist with curb stop shut offs if needed.

- **Employee Retirement:** After meeting with a handful of retirement companies and researching what other ND cities offer their employees for retirement, NDPERS (ND Public Employees Retirement System) is the most common. The state program offers a Defined Benefit Hybrid Retirement Plan, as well as a 457 Deferred Compensation Plan. Upon discussion with CM Peraza, it seems the Defined Benefit plan would be best suited for the city. All city employees would have the option to enroll and contribute 7% of regular wages to their plan. In addition, any employee working 20+ hours per week in a permanent position (not seasonal or temporary) will require a minimum 8.26% city/employer contribution. Council also discussed back payment to both Rich and Tabitha as retirement was offered at the time of hire but no program was in place.

A motion was made by CM Ozzie Peraza for City of Kindred to affirm to North Dakota Public Employees Retirement System that City of Kindred is formed pursuant to N.D.C.C. § 40-02 and is neither a non-profit corporation nor a for-profit corporation, to join the NDPERS Defined Benefit Retirement Plan and offer the plan to all eligible employees of the City of Kindred. The motion was seconded by CM Adam Spelhaug. The Board approved joining the NDPERS Defined Benefit Retirement Plan effective November 1, 2019. RCV; Motion carried unanimously.

B. New Business

- **Residential Parking:** On July 4th, a complaint was made by a resident to City Hall regarding their neighbor parking a vehicle on the lawn instead of in the driveway or on a paved/gravel parking space. The vehicle is not classified as a "junk automobile" as it is currently licensed and operational. Rich spoke with the resident advising them of this. The resident submitted a second complaint on August 10th, stating that there were now two vehicles parking in the greenspace on a regular basis. Tabitha reviewed the parking ordinances, conferred with Rich and Deputy Koerber coming to the conclusion that the City has no ordinance restricting licensed/insured vehicles from being parked in greenspace on private property. Tabitha created a map indicating the reduced off-street parking options for the neighbor due to the location on a cul de sac and a fire hydrant in the front yard. This photo and all email documents were provided to council for review. Although, council can see validity in the complaint, the parked vehicles are not deemed "junk automobiles" and are there for not in violation of any city ordinance. The board will continue to monitor this and review again if needed.

- C. **Pool:** Would like to schedule an end-of-the-season meeting with Park Board. Tabitha will check to see if 6pm before the November 6th council meeting will work with the Park Board schedule.

There was also discussion regarding the winter pool cover that was damaged last season due to the large amount of snowfall we received. The excess snow buildup proved to be too much weight for some of the straps and brackets on the cover, causing them tear/rip apart. Tabitha submitted it through the city/park board insurance and it will most likely be covered with a \$2500 deductible, replacement costs run around \$10,000. Discussion on repairing the damaged cover. Council asked Rich to explore repair options while waiting for response from insurance claim.

- D. **Marketing:** Mayor DuBord reported that although there has been discussion the last few months of Ottertail Power Company upgrading and installing additional street lights on Elm St, it was brought to his attention that the city would be responsible for about \$50,000 in expenses. An internal miscommunication, however, OTPC has chosen to honor the "no cost" offer and will cover the upgrade/installation costs! Mayor DuBord is still interested in ordering new banners/decorations for the street light poles.

- E. **Police:** Deputy Koerber presented the August 2019 report. There were 32 calls for service, as follows: 6-medical; 1-harassment; 3-traffic complaint; 1-animal call; 12-public assist; 3-domestic; 3-suspicious; 1-accident; 2-theft.

Discussed complaints and ordinances regarding golf carts. Many golf carts are driven around town, some with unlicensed children driving. ND Century Code 40-05-22 states golf carts are not legal to be driven on federal, state, or county roadways. According to city ordinance 13-2002, off-road vehicles must be licensed/registered/insured and can only be from driven from "the residence of the registered owner to the city limits, taking the shortest route practicable". Council and Deputy Koerber agreed that the City of Kindred has been a place of "small town" allowances to those rules, given that residents do not cause issues that require more city or law enforcement involvement.

Discussion around another resident dealing with a neighbor's animal control/waste and the resident is concerned about retaliation/harassment from them. Deputy suggested meeting with the resident to discuss their options. But as always, residents may report any ordinance violation or citizen concerns to the Cass County Sheriff's Department non-emergency dispatch center at (701)451-7660.

F. Engineering:

- **Water Tower; Improvement District 2016-1:** The old water tower was taken down today. The new water tower has been online since August 15, 2019, resulting in a slight water pressure increase. There are still items that need to be completed: remove brick building, footings, pour new concrete driveway, adjust light on logo. Additional discussion on substantial completion, number of days used for computation, what the expectations are for Maguire Iron, and what the contract allows the City to withhold when the project is not completed as per the contract. City will need to send notice to Maguire Iron of liquidated damages withheld and, as a result, no payment will be made for CAP No. 15.

MOTION, passed – To approve Contractor's Application for Payment No. 15 requesting \$89,690.00, retaining \$99,000.00 for liquidated damages which results in "no payment"; Peraza moved, Stoddard seconded. RCV; Motion carried unanimously.

MOTION, passed – To approve Engineering Agreement Amendment No. 3; Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.

MOTION, passed – To approve Moore Engineering Invoice 21758 for \$35,265.25; Stoddard moved, Spelhaug seconded. RCV; Motion carried unanimously.

- **Wastewater Treatment Improvements:** USACE is working to complete the environmental process. Moore held a Public Works Committee meeting to review the 60% plans. Will meet again with the 75% plans in hand.

MOTION, passed – To approve Moore Engineering Invoice 21795 for \$107,379.70; Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.

- **Newport Ridge Phase 4:** SWC Cost Share Application for the water looping was submitted. This water looping would increase quality, redundancy, and fire flow to all residents in the south and east areas of the city. Awaiting determination; possible 60% grant funding available. Beginning the design phase with the developers.
- **GIS Web Map:** Continuing updates including sewer manhole and service locations that were collected.
- **City Standards and Specs:** Finalizing documents.
- **Capital Improvements Plan:** Vision Document Scoping Meeting on hold until late fall.
- **Building Inspections Agreement:** Hope to schedule a meeting in October.

G. PWS

- Water tower work will be slowing down hopefully.
- Working on creating a snow removal policy.
- Discussed further skunk removal in city limits and liabilities to the City if spraying occurs.
- Demolition was fairly quick and smooth today. Mayor DuBord stated that Rich "went to bat for him" after the Mayor's "heart" was damaged before salvaging. In an effort to make up for the loss, the contractors cut a water tower design out of a piece of the original water tower tank from the 1920s.
- CM Stoddard shared with the board that Rich had actually dropped his phone from the top of the inside of the tower when doing an inspection climb with Brandon Oye, which shattered the entire backside of the phone. He asked council to consider covering the cost to replace Rich's phone.

MOTION, passed – To approve reimbursement to Rich Schock for cell phone replacement; Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.

- #### H. Finance: Final 2020 Budget Hearing will take place during the October 2nd, 2019 council meeting. Council will hold a Special Meeting on September 26th, 2019 for more in depth discussion of that budget.

I. Auditor Report

- Currently have one invoice for mowing fees that were charged to the owner of a vacant lot in July 2019. That lot has been sold; however, the invoice remains unpaid. Standard procedure is that the unpaid bill would be assessed to the property taxes on October 31st, regardless of owner. Council agreed to stick to the standard procedure and assess any unpaid balances to the property.
- Deputy Auditor Emily Teberg starts this Friday, September 6th. She will work Mondays and Fridays during normal office hours and possibly a few hours T-Th depending on the schedule. Very excited to have her on staff!
- ND League of Cities Annual Conference is September 19-21 in Bismarck. Tabitha was encouraged to attend. Mayor DuBord will also attend; registration is free to first-time attendees if they sign in to one of the NDIRF sponsored sessions. Tabitha will take care of registration and lodging reservations.
- Lake Agassiz Regional Council is assisting Cass County with review their Mitigation Plan. LARC asked that Kindred review their 4-page section for any revisions. Rich assisted in reviewing this as well.
- Will finalize the fall newsletter and aim for mailing towards end of September.

J. Council Reports: none

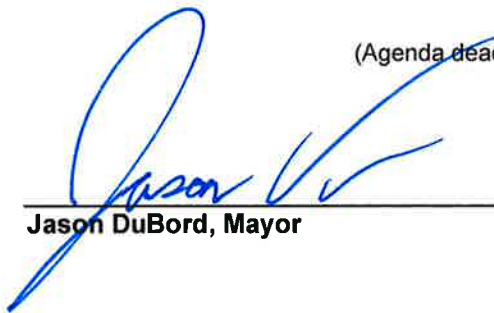
K. Mayor Report

- Thanks to everyone involved with the Kindred Community Days!! It was a fun event and am looking forward to next year.
- Big thanks to Rich and Brandon for all the hard work and long hours in with the water tower project!

ADJOURNMENT

**MOTION, passed – To adjourn meeting at 9:19pm;
Spelhaug moved, Stoddard seconded. RCV; Motion carried unanimously.**

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



Jason DuBord, Mayor



Tabitha Arnaud, City Auditor

10/2/19
Date approved