

KINDRED CITY COUNCIL - REGULAR MEETING MINUTES
10-07-2020 at 7:00pm – Kindred City Hall

MEETING CALLED TO ORDER AT 7:00pm by Mayor DuBord with CMs Spelhaug, Stoddard, and Peraza present. Absent: CM Amerman. Also present: City Engineer Brandon Oye, PWS Rich Schock, City Auditor Tabitha Arnaud, Municipal Judge Dona Schock, Jan Russell, Marlowe Rud, Lydia Ronningen, Penny Schulz, & Mitch Calins.

APPROVE AGENDA – Table 2nd Reading Ord 2020-84 (chickens, domestic fowl, farm animals) and add 2nd Reading Ord 2020-85 (driveway width) to Old Business

MOTION – To approve the agenda with revisions;

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

CONSENT CALENDAR

MOTION – To approve the following consent calendar items: City Council meeting minutes of 09-02-2020, 09-18-2020, 09-23-2020, 09-30-2020; September 2020 financials and unpaid bills report; Tax Exemption on New Construction for 388 Cessna Ave;

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

BOARDS & COMMISSIONS – Renaissance Zone Development Plan

MOTION – To open public hearing for Renaissance Zone Development Plan;

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

Mitch Calkins provided an update for the RZ Development Plan. RZ Committee worked hard and was able to finalize the presented draft plan. The purpose of the RZDP is to encourage economic investment and rehabilitation of these properties by offering income and property tax incentives. The boundary area consists of the maximum allowed 34-blocks and includes all of the “original townsite” or older portions of town (properties south of Dakota St to north of Sheyenne St, west of County Hwy 15). The document lays out the parameters of available tax incentives and qualifying projects including purchase/lease only, purchase with major improvements, leasehold improvements, rehabilitation only, and historic preservation and renovation. The application process would begin with the auditor’s office, RZC would meet as needed to review and score applications, moving to city council for final step before state review.

MOTION – To close the public hearing for RZDP; Stoddard moved, Peraza seconded. RCV; MC.

MOTION – To approve the resolution creating the City of Kindred RZDP;

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

With city council approval of the RZDP, letters for support will be sent to Cass County Commission and Kindred School District. Once received, those would be added to the development plan and the entire RZDP is reviewed by the ND Commerce Dept for final approval. Estimated time of completion would be early 2021.

COUNCIL BUSINESS

A. New Business

- Liquor/Beer License Application for Hawk’s Market: Owners Andrea Christensen and Ryan Janowisz have applied for a new retail liquor/beer license to provide on/off-sale of alcoholic beverages at the grocery store. A remodel would create a separate off-sale area in the northeast corner of the store having a separate entry and cash register. The initial application fee of \$250.00 was paid. The annual fee is \$1000.00 valid from July 1, 2020 – June 30, 2021 (can be prorated for active months if approved). Prior discussion with owners of Kindred Spirits Bar and Grill, Kindred’s only other liquor/beer license holder, provided no issues or conflict for another licensee; Spirits’ off-sale revenues would likely have minimum affect especially with off-set hours of operation. Discussion on ordinance requirement for applicants/management to hold city residency: Christensen & Janowisz both reside in Walcott and have not yet named a Kindred City resident for this requirement. Ordinance allows 3 months to provide this individual’s information if the application is approved. Reasoning for this requirement would be for emergency situations and to encourage local vested interest (ex: out of state applicants applying for license). No other public comment was provided at meeting or prior to auditor’s office.

MOTION – To approve Hawk’s Market Retail Liquor/Beer License Application expiring 06-30-2021; Stoddard moved, Spelhaug seconded. RCV; Motion carried unanimously.

- Moving Building Permit Application for 151 Spruce St Lot 10: Penny Schulz and Robert Lafayette have applied to move a mobile home from West Fargo to an empty lot (#10) at the mobile home park. They planned to do this in August and then discovered a permit application process was needed. All required paperwork was completed, including a pre-inspection from a ND certified mobile home inspector, site plan, photos, and mover’s

county permits and insurance records. Hagen's Mobile Home Service has provided an estimated move date between October 19-25. A Public Hearing was held at a special P&Z meeting on October 5th, 2020, for the board to review the application/documents and hear any public input on the matter. Building Code Administrator Mike Blevins helped with the application items and provided support of approval at the P&Z meeting, including commending Penny and Robert for pursuing the lengthy application process. They had also already completed a building permit application (for a deck and two sheds to be moved in with the mobile home) that is required if the moving building permit application is approved. P&Z unanimously approved the recommendation to approve the moving building application for 151 Spruce St Lot 10. Applicant/mover will need to notify all utility providers, City, and Cass Co of exact date when identified. Full application/documents available with 10/5/2020 P&Z meeting minutes.

MOTION – To approve Building Move Permit for 151 Spruce St Lot 10; Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.

B. Old Business

- 2nd Reading for Ordinance 2020-85: Revisions to Chapter 2-0119 Relating to Driveway Width: Maximum driveway width remains 30 feet for all zoning districts except those beginning with "SFRA" the maximum width will be 36 feet. No additional changes made since last month's 1st reading.

MOTION – To approve 2nd reading of Ordinance 2020-85 on Driveway Width; Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.

- Street Light Improvements: Ottertail Power Company has ordered materials and is still hoping to begin improvements this season. One tree needs to come down on and CM Stoddard has made arrangements with Carr's Tree Service but they are very busy; will continue to contact them.

C. Planning & Zoning: Board approved reorganization of chair/vice-chair members at the September meeting. Sue Kersting is now the chair member and Ben Mauch is the vice-chair. Mark Erickson has also discussed resignation from the board as the ET rep. Kindred ET resident Christina Woller-Cornog has expressed interested and has contacted Cass County Commission on the application process.

D. Pool/Park Board: PB Member Lydia Ronningen attended the meeting and provided the following update: Mike Brown is finishing up the mowing season and will have a spreadsheet on City Park hours coming soon; board may possibly be ready for an end-of-season meeting on the pool in November; CM Peraza attended the last PB meeting and presented information about the Home Depot grant programs that could be used to purchase or upgrade playground equipment, landscaping/flowers, or general improvements. Council shared that the work on the tree removal at City Park really look great! Thanks Park Board and staff involved!

E. Police: Deputy Beckius was not present but provided the September 2020 report with 49 calls for service as follows: 3-medical; 1-animal calls; 23-public assist; 4-traffic complaint; 1-disturbance; 2-reckless driving; 1-fire assist; 2-accident; 5-suspicious; 1-welfare check; 1-burglary; 1-gun shots; 1-harrasment; 1-fraud.

F. Engineering:

- **Wastewater Treatment Improvements; Sewer Improvement District 2019-1:** Naslund accepted the offer of \$12K/acre and signed the purchase agreement for the purchase of just over 40 acres located 2 miles west of the city. The city will sign and engineers will proceed with additional steps on contingency list: soil borings, obtaining a conditional use permit from the township (will schedule as soon as possible, try to have a city rep at meeting), wetland delineation and cultural resources survey, easements for force main connections, as well as temporary constructions easements.

MOTION, passed – To approve Braun Intertec proposal for final soil borings/report up to \$22,419.00; Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.

MOTION, passed – To approve Aquatic Eco Solutions proposal for wetland delineation up to \$15,000; Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.

MOTION, passed – To approve Moore Engineering Invoice 24839 for \$13,475.00; Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.

- **Newport Ridge Phase 4; Improvement District 2020-1 & Water Looping Project 2020-2:** Paving, curb & gutter, boulevard backfill is complete. Previous water loop main was installed outside of the project easement in Torgerson property north of the cemetery, so additional easement and payment is needed.

MOTION, passed – To approve additional \$825 (\$2425 total) water main easement from Torgerson's; Spelhaug moved, Stoddard seconded. RCV; Motion carried unanimously.

Change order #2 is for dewatering excavated areas due to wet soil conditions. Developers ok with additional costs associated on this.

**MOTION, passed – To approve Contract Change Order No 2 for \$26,526.17;
Stoddard moved, Spelhaug seconded. RCV; Motion carried unanimously.**

Contractor Application for Payment #3 is calculated with minimal liquidated damages withheld since project has surpassed the date of substantial completion. Discussion on withholding additional LDs. Developers ok with no additional LDs withheld.

**MOTION, passed – To approve Contractor’s Application for Payment No 3 for \$207,803.30;
Peraza moved, Stoddard seconded. RCV; Motion carried unanimously.**

MOTION, passed – To approve Moore Engineering Invoices 24851 for \$11,940.00 and 24850 for \$2,808.65; Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.

- **7th Avenue Improvements:** Contractor has not requested a final CAP; Moore processed to close project. Change order for grass seeding completed by City Public Works instead of contractor.
**MOTION, passed – To approve Final Balancing Change Order No 1 reducing contract by \$2,729.50 and Contractor’s Application for Payment No 2 for \$3,667.05;
Peraza moved, Stoddard seconded. RCV; Motion carried unanimously.**
- **Viking Addition Dewatering Well (2nd Ave S):** Bid opening was held 9/3/2020 with no bids received; potential that contractor bonding requirements were too great for a smaller project. Discussion on Viking Addition development fund having reserves now that the final bond payment was completed in 2019; reserves could potentially be used for this project that directly benefits the same development, covering expenses incurred thus far and the estimated project cost of \$18K if PWS Schock is able to coordinate directly with contractors. Eliminating the option to special assess the project expenses, allows greater flexibility on bidding requirements.
- **Lift Station and Force Main Improvements – Phase 2 Wastewater Improvements:** On hold.
- **Capital Improvements Plan:** Public Works Committee and Cass Rural Water meeting was held 9/18/2020. Discussed shared storage (reservoir), customer service areas, assessing future growth and capacity needs. CRW will be drafting up an agreement and follow up meeting tentative for late November.
- **Water Tower; Improvement District 2016-1:** Moore will complete the 1-year inspection in October to final out the project. Following motions are finalized formality with decisions at 9/18/2020 Special City Council Meeting:
**MOTION, passed – To approve Revised Final Balancing Change Order No 7 reducing contract by total of \$39,178.50 and Contractor’s FINAL Application for Payment No 22 for \$1000;
Stoddard moved, Peraza seconded. RCV; Motion carried unanimously.**

**MOTION, passed – To approve Moore Engineering Invoice 24818 for \$3168.60;
Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.**
- **Alley Survey:** Moore presented the alley survey exhibits for two blocks of the Spruce/Elm alleyway. There are encroachments with shrubs, a fence, and a concrete driveway. Trouble with alignment is that utility service poles are in the alley easement instead of being on private property, so the alley width has been reduced. Will have one additional invoice for completed drawings.
**MOTION, passed – To approve Moore Engineering Invoice 24841 for \$5479.35;
Peraza moved, Spelhaug seconded. RCV; Motion carried unanimously.**
- **Downtown Beautification & Sidewalks:** Held meeting with CM Stoddard on improvements. Considering parallel and diagonal parking options, possible hybrid model.

G. PWS

- Woodlawn & Evergreen Subdivisions have been notified of lagoon project resulting in sewer rate increase, as well as the potential for cost-share/responsibility to locate their private force main.
- Looking into renting hydro seeder for smaller projects at water tower site and possibly City Park.
- Scheduling meeting with CMs Peraza & Amerman on street equipment and funds.
- Continuing to work through flushing hydrants, about 6 remaining to complete.

H. Attorney: Sarah Wear not present, working through ordinance revision for chickens/farm animals.

- I. Finance: No changes were made to the preliminary 2021 budget for general fund that was approved on 8/5/2020.
MOTION, passed – To approve the final budget for the year 2021 with the general fund levy at \$137,074.00;
Spelhaug moved, Peraza seconded. RCV; Motion carried unanimously.

J. Auditor Report

- Voting update for General Election on November 3, 2020: NO ON SITE POLLING AT KINDRED CITY HALL. Kindred residents may request an absentee ballot through Cass County Finance Office, or use one of six Fargo/West Fargo/Casselton polling locations that will be open from October 19th-November 3rd. Info is on the city's and county's website and will be included in the upcoming city newsletter.
- City's fall newsletter will be mailed out in October.
- Jackie Johnson started 10/1/2020 as part-time temporary office assistant. Going great so far!
- Resident inquired on what could be done about the weeds/overgrowth in the ditches north of East Sheyenne St by Newport Ridge. PWS Schock shared that due to the overgrowth on the legal drain, it is often a snow catch-all and drainage is not productive; burning them would not be recommended due to the concern that there are a number of utility services/boxes in the area and some of the home's fences are close to the easement as well. The city does not have the proper equipment to mow this area as the ditch incline is quite steep. Discussed long-term solutions such as updating the drain with storm sewer, removing the ditch entirely and creating greenspace. Everyone agreed that the overgrowth is an eyesore and a breeding ground for mosquitos/pests. This is a legal drain belonging to the South East Water District and they are to maintain the area. City Engineer Oye recommended and offered to contact SEWD to see if they would have any maintenance funds of their own to help with cleaning this area up or if they would agree to let the city do the maintenance.

- K. Mayor's Report: Will continue to work on creating a committee for a recreation/community center.

ADJOURNMENT

MOTION, passed – To adjourn meeting at 8:53pm;
Stoddard 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