

KINDRED CITY COUNCIL MEETING MINUTES
5-3-2017

1. 7:00 MEETING CALLED TO ORDER

Mayor Wanner called the meeting to order at 7:00pm with council members Johnson, Amerman, and Spelhaug, present. Member Stoddard arrived at 8:05. Also present were PWS Darin Laverdure, City Engineer Brandon Oye, City Attorney Sarah Wear, Deputy Rufat Agayev, and City Auditor Twila Morrison. Guests: Matt Thompson w/CC Reporter, Kimbra Amerman, Kelly Laverdure, Barb Rude, Ozzie & Shawn Peraza, Tod & Tara Welter, Mark Erickson, Dwight Ogren, Bob Clarke, Marlow Rud, Kerri & Casey Whipple, Mark Ottis, Gene Thompson, Sara Anderson, Joan Pratt, Rodney Braaten, Joel Ronningen, Rochelle Rustad.

Mayor Wanner began the meeting with the Pledge of Allegiance.

2. APPROVE AGENDA

Shawn Peraza was added to 7A2, Tod Welter was added to 7A3, Mark Erickson was added to G, vacation and audit was added to H.

MOTION, passed

Mr. Amerman moved and Ms. Johnson seconded to approve the amended agenda. On a roll call vote, the motion carried unanimously.

3. CONSENT CALENDAR

Mr. Amerman wanted to add to the 4-5-17 minutes regarding discussion on the 20+ accounts being estimated.

MOTION, passed

Mr. Amerman moved and Ms. Johnson seconded to approve the amended minutes of 4-5-17 and 4-26-17. On a roll call vote, the motion carried unanimously.

MOTION, passed

Mr. Amerman moved and Ms. Johnson seconded to approve the financials with additions. On a roll call vote, the motion carried unanimously.

4. BOARDS & COMMISSIONS

5. COUNCIL BUSINESS

a. Administration

Mr. Peraza discussed time card issues brought up at last month's meeting. He said that his open record requests to Ms. Johnson for the time cards in question were never received. He also noted that his open record request to her for the January recording on her phone was never received. He did, however, say that she responded just recently that she deleted the recording several months ago. That was a lie because he had in his possession a copy of a text from her to another councilman at the end of March that he could listen to the recording. If indeed she had the recording and deleted it, that is an open records violation. He reminded the council that our kids learn all about bullying in school and they should be leading by their examples.

Mrs. Peraza discussed the lack of a safe working environment for the city auditor. She described an incident she was witness to when Mr. Amerman came to pick up his packet. She also referred to the several incidents of Ms. Johnson verbally attacking the city auditor and repeatedly calling her a liar. Mrs. Peraza said Ms. Johnson's interview earlier today with KFGO was full of lies. Ms. Johnson told listeners that the city auditor never provided record requests. That was a lie because she did receive all the documents that were requested. She also confronted Ms. Johnson about providing her private email address to a former resident and that she is now getting harassing emails. She said she had no right to do that and asked that she stop it. There is a petition to recall Ms. Johnson because of her lies, belittling of city employees, and behavior that is not appropriate.

Mr. Welter spoke about the meter reading issues. He asked how the PWS is doing his job wrong when there are no policies in place. He spent time with Mr. Laverdure and couldn't find anything he

was doing wrong. Instead of criticizing him constantly, why not fix the problem you think we have. Replace the current system with a radio frequency reading system. Mapleton uses this and they have the same software system that we have. If you truly believe something is so wrong, fix it. He provided the council with the information that he got by talking to the City of Fargo's water employee and the City of Mapleton's city auditor.

Designate Official Newspaper:

MOTION, passed

Mr. Spelhaug moved and Mr. Amerman seconded to designate the Cass County Reporter as the official city newspaper. On a roll call vote, the motion carried unanimously.

Official use of city attorney: Ms. Johnson wasn't aware the council couldn't use her. She said she doesn't trust Ms. Morrison so she has to go through the attorney. Ms. Morrison provided a stack of emails from Ms. Johnson to the city attorney since March 1st. Ms. Johnson denied that she emailed the attorney. She said they were all from Ms. Morrison and then the back and forth responses. Mayor Wanner asked that going forward, try to refrain from using the attorney.

Excess Liability coverage: Ms. Morrison said the insurance company wanted the city to consider increasing the personal property & property damage liability. She hadn't received any quotes on this yet.

b. Engineering

Mr. Oye said KPH is disputing our letter requesting them to complete the remaining punch list items from 2014-2. The council wants the items repaired. Moore will continue to do inspection on the repairs. Water tower: the logo design was chosen. Still waiting for BOR approval. Phase 3: We received the BND approval for the loan.

MOTION, passed

Mr. Spelhaug moved and Ms. Johnson seconded to approve signing the acknowledgement of receipt of Newport Ridge Phase 3 financing from the Bank of ND. On a roll call vote, the motion carried unanimously.

Sanitary: There is a possible option to have Fargo treat our wastewater. Mr. Oye will set up a meeting with Fargo, Mr. Spelhaug and Mr. Laverdure to discuss this.

c. Police Report: Deputy Agayev presented the April report. There were 11 calls for service as follows: 3-suspicious activity; 1-domestic; 2-animal calls; 1-threat; 1-parking complaint; 1-alarm; 1-traffic complaint; 1-disturbance.

d. Pool

Signage – they are working on it; insurance – they are working on it; signed agreement – they will sign after the meeting.

e. PWS

Mr. Laverdure said regarding the estimated accounts, 7 are sewer only accounts. He got a few readers fixed. Mr. Stoddard went with him to read meters. He also called the software company and was assured there is nothing wrong with the software. He also called several cities. Their policy is if the water went through the meter, that's what gets charged. Mr. Stoddard, Mr. Spelhaug & Mr. Laverdure reviewed a few accounts and didn't see any issues. Mr. Spelhaug spoke with Colfax and they do the same thing. Mr. Laverdure provided a letter from ND Rural Water who conducted a water loss report for the last 3 years and found that Kindred is well within the acceptable range. Last month we had a .24% water loss. The letter stated our distribution system seems to be in good shape with very minimal water loss. Ms. Johnson asked Mr. Laverdure to provide a reason why each of the estimated accounts have been estimated.

Snowbirds: The council discussed how to handle snowbirds and empty houses.

MOTION, passed

Ms. Johnson moved and Mr. Spelhaug seconded to bill minimum usage for w/s, surcharges, with no garbage charge for snowbirds and vacant homes. On a roll call vote, the motion passed unanimously.

f. P&Z

Mr. Erickson provided the plan for Lil Buckaroos Educational Center. He is in the permitting stages.

g. Old Business

Leadership code: It was determined it is a guide to use, but not to adopt.

Portfolios: Ms. Morrison said she is not comfortable with Ms. Johnson having the financial portfolio because Ms. Johnson has opening stated she doesn't trust her. No changes made.

Vacation/holiday: Ms. Johnson wants monthly tracking of vacation/sick/holiday usage and how much is remaining for the year in the packets.

Audit: **MOTION, failed**

Mr. Amerman moved and Ms. Johnson seconded to move forward with an audit.

Discussion: they feel that there needs to be an audit to have a clean slate. Mr. Stoddard wondered why it was needed and what they hoped to find. He would like to see what the State Auditor could do for us. Mayor Wanner felt that the money it will cost could be better used somewhere else. We should add this to the budget. Mr. Spelhaug felt more information was needed before just approving having an audit done. On a roll call vote, Spelhaug – no, Amerman – yes, Johnson – yes, Stoddard – no, Mayor Wanner broke the tie voting no.

OT – on call: Mr. Laverdure said in 2016 he had 135 hours overtime. Ms. Johnson said her only issue was how the payroll was being calculated when there was OT. Ms. Morrison reminded her that last month she said that all OT needed to be approved by the council, etc. Ms. Johnson denied this. Kerri Whipple asked if he will have to repay the city for the overage. Mr. Spelhaug said there are so few times it may have happened it's not necessary. Ms. Johnson said she emailed the city attorney about statute of limitations. Ms. Wear responded that statute of limitations was for criminal acts or civil suits, not for over payment of pay. The council determined that Mr. Laverdure will continue working as he always has and the OT will be calculated according to the policy manual.

h. Auditor Report

Ms. Morrison gave her spot to Mrs. Peraza so she could finish addressing the council now that Mr. Stoddard was in attendance. Mrs. Peraza said that because of the hostile work environment caused by Mr. Amerman and Ms. Johnson, she proposed that their packets be put in the entry so they could pick them up; she asked that Ms. Johnson stay out of the auditor's office. Ms. Johnson replied that she hasn't done anything wrong and totally disagreed with what she said. Mr. Spelhaug would like to see everyone act professionally and be courteous to the employees and have respect they deserve.

k. Council Reports

Mr. Spelhaug reported that he is checking with MDU regarding natural gas and was having problems getting through to the right person. Mr. Ottis gladly volunteered to provide him with all the information he needs.

Mr. Stoddard said he spoke with the engineer and it was determined that there is no drainage issue on Shawn Cummings ditch that he filled in.

Mr. Amerman offered his copy of the time cards and water reports to the Peraza's via the city auditor. He attended the Fire Department's public meeting they had regarding their addition to the fire hall. He said that what happened in the auditor's office is totally opposite of what Mrs. Peraza reported to the council and he would be happy to tell anyone his side of the story.

Ms. Johnson felt the same way and said she hasn't done anything wrong. She said she's done her job and will continue to do this.

6. ADJOURNMENT

MOTION, passed

On a motion by Mr. Spelhaug and seconded by Mr. Stoddard the meeting was adjourned at 9:07. On a roll call vote, the motion carried unanimously.

Next regular meeting will be held on 6-7-17 at 7pm.

(Minutes subject to council approval.)

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

Twila Morrison, City Auditor

Jeff Wanner – Mayor