



Horace City Council Meeting Minutes

The Horace City Council met on May 3, 2021 @ 6:00 pm at Horace City Hall. Those present were Mayor Kory Peterson, Councilmember Jeffrey Trudeau, Councilmember Chelsey Johnson, Councilmember Naomi Burkland, and Councilmember Sarah Veit. Others present included: Brenton Holper, Jim Dahlman, Barrett Voigt, and Lukas Croaker.

Mayor Peterson called the meeting to order at 6:03 pm

The pledge of allegiance was recited.

Agenda Item #3: Approve Regular Agenda

Motion: Approve the Regular Agenda with the Following Adjustments – Change Agenda Item #4g to Water, Sewer, Storm and Street Improvement District No. 2020-2 (82nd Avenue – Formerly 81st Avenue South) Progressive Estimate No. 2 not No. 3 and Remove Agenda #20.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

Action taken: All in favor, none opposed. Motion carried.

Agenda Item #4: Approve Consent Agenda

- a. Vendor Invoices
- b. Balance Sheet & Income Statement
- c. Checks Written in April 2021
- d. Sanitary Sewer Improvement District No. 2018-1 (100th Avenue South Force Main)
 - i. Progressive Estimate No. 4 in the amount of \$58,049.75 for work completed by KPH Inc.
- e. Water, Sewer, Storm and Street Improvement District No. 2019-7 (Maple Lake Estates Addition)
 - i. Progressive Estimate No. 8
- f. Water, Sewer, Storm and Street Improvement District No. 2020-1 (Southdale Farms First Addition)
 - i. Progressive Estimate No. 6
- g. Water, Sewer, Storm and Street Improvement District No. 2020-2 (82nd Avenue – Formerly 81st Avenue South)
 - i. Progressive Estimate No. 2 not No. 3.

Motion: Approve the Consent Agenda.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

Action taken: All in favor, none opposed. Motion carried.

Agenda Item #5: Approval of City Council Meeting Minutes from April 19, 2021

Motion: Approve the City Council Meeting Minutes from April 19, 2021.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Johnson

Action taken: All in favor, none opposed. Motion carried.



Agenda Item #6: Public Comment

The property owner at 310 Liberty Lane explained that he does not want the ditch behind his property filled in with concrete. Mayor Peterson replied that it is an easement that the City can legally work in. The property owner added that he did not receive a notice about the work that would be done to the ditch. Mayor Peterson suggested to meet with him to discuss the project further.

The property owner at 8217 Memory Lane asked for help getting a hold of the County's assessor because he cannot reach him. Mr. Holper asked the property owner to email him so that he can forward the email to the County's Director of Tax Equalization, Paul Fracassi.

Agenda Item #7: Sheriff's Update | Ross Krause/Craig Keller, Cass County Sheriff's Department

Deputy Keller summarized the 151 calls for service and explained the 5 reckless driving incidents that were reported. Councilmember Veit asked if there was an ordinance for jake breaking. Mr. Holper explained that the City of Horace does not have an ordinance, but that staff could draft one and present it to the City Council in the future.

Deputy Keller read a letter from Sheriff Jesse Jahner addressed to all Cass County residents that explained some of the additional training law enforcement went through in 2020. Deputy Keller added that a digital copy of the 2020 report was available on the Cass County website.

Agenda Item #8: Certification of Special Election Results | Michael Montplaisir, Cass County Finance Director

Mr. Holper explained that the Cass County Finance Director was not present, and that agenda item # 9 and agenda item #10 would need to be tabled until the next City Council meeting on May 17, 2021.

Action taken: None taken.

Agenda Item #9: Oath of Office for the Recently Elected City Councilmember | Brenton Holper, City Administrator

Action taken: None taken.

Agenda Item #10: Water, Sewer, Storm and Street Improvement District No. 2021-1 (Southdale Farms Third Addition) | Jim Dahlman, City Engineer

Mr. Dahlman summarized the bid opening for the Water, Sewer, Storm and Street Improvement District No. 2021-1 (Southdale Farms Third Addition). The lowest bidder was Dakota Underground with a base bid of \$5,381,401.24. Mr. Dahlman explained the planned project and added that staff recommended that Christianson Blvd. would receive a concrete pavement because it would be a minor collector road.

The special assessments for the lots were discussed as well as the longevity of an asphalt versus a concrete road. Mr. Dahlman summarized the location of the road and Mayor Peterson said that he would prefer a concrete road because of its longevity.

Motion: Award the WSSSt ID No. 2021-1 (Southdale Farms Third Addition) to Dakota Underground in the Amount of the Base Bid Plus the Alternate.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

Action taken: All in favor, none opposed. Motion carried (4-0).



Agenda Item #11: Planning Commission Appointment | Brenton Holper, City Administrator

Mr. Holper explained that Planning Commissioner Todd May resigned from his seat and that the Mayor will appoint a replacement. Mayor Peterson said that he would like to recommend Doug Lenwood. Councilmember Veit explained that she worked with Mr. Lenwood in the past and supported him for the Planning and Zoning Commission position.

Motion: Appoint Doug Lenwood to the Planning and Zoning Commission.

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Johnson

Action taken: All in favor, none opposed. Motion carried (4-0).

Agenda Item #12: Lakeview Addition | Lukas Croaker, City Attorney & Jim Dahlman, City Engineer

12a. Babbling Brook Maintenance Agreement

Mr. Croaker explained that the approval of the Lakeview Addition ID agreement was tabled during the last City Council meeting because the maintenance agreement for the babbling brook was not approved yet. Staff met with the developer a week prior and worked on finalizing the maintenance agreement. Mr. Croaker summarized the agreement and Mr. Dwyer of BR Developments explained that the developer agreed to the agreement. Mr. Croaker added that he would like to extend the agreement from a two-year to a five-year agreement.

Motion: Approve the Lakeview Addition Babbling Brook Maintenance Agreement which was Extended to a Five-Year Agreement as Presented by Staff.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

Action taken: Three in favor, one opposed. Councilmember Burkland voted nay. Motion carried.

12b. WSSSt. ID No. 2021-3 (Lakeview Addition) ID Agreement

Mr. Croaker summarized the WSSSt. ID No. 2021-3 (Lakeview Addition) ID Agreement. Mr. Dwyer of BR Developments asked for a two-year deferment for the special assessments and explained the pros and cons associated with a two-year special assessment deferment. Mr. Croaker explained the bonding process which includes a 75% letter of credit provided by the developer which is needed before the City's rating call for bonding. Councilmember Veit expressed that she was not prepared to decide during this meeting and would need more time to review the agreement and the upcoming ratings call. Mayor Peterson suggested to table the item. Mr. Croaker concluded that the developer might have other requests that might need to be included in the agreement. The Council tabled the item.

Action taken: None Taken.

12c. WSSSt. ID No. 2021-3 (Lakeview Addition)

Mr. Dwyer asked that the request of design fee eligibility would also be considered. Mr. Holper explained how the design fee eligibility works and why a developer would request that. The Council discussed the matter further and Mr. Croaker added that it is in the developer's interest to keep the costs low which would include plans and specifications. Councilmember Veit asked if the City Council could reconvene in a few days for a special meeting to discuss the agreement and the plans and specifications. The Mayor suggested a special meeting to be scheduled for Thursday, May 6, 2021 at 6:00 pm.

Action taken: None.



Agenda Item #13: Deer Creek Estates Addition | Barrett Voigt, Community Development Director

Mr. Voigt explained the location of the proposed Deer Creek Estates Addition plat and the plans for the land which included for a zone change from A Agricultural to R-6 High Density Residential and A Agricultural to PF Public Facility. Staff worked with the applicant to make changes to the proposed plat. Mr. Voigt added that there were several residents that opposed to the zone change in October 2020. Mr. Sahr voiced concerns about the large drainage pond and its proximity to County Road 17.

Matthew Hauff, President of Brookstone Properties, gave a presentation on the proposed subdivision. He addressed the concerns included the drainage issues. Mr. Lowry explained that the current drainage issues would be improved by collecting the runoff water and discharging it in the proposed drainage pond. Mayor Peterson opened the public hearing at 8:34 pm. Several Deer Creek and Horace residents spoke and explained why they opposed the plat and subdivision. The reason for the oppositions were the small lot sizes, the drainage issues in the area, the location of the drainage pond and the single road going into the development. The Council discussed possible solutions such as lot size increase and buffer zones. Mayor Peterson asked if the developer would sit down with the protesters to find a solution that would work for everyone. Mr. Voigt recommended to table agenda item #13a and 13b.

Action taken: None.

Agenda Item #14: Horace Lutheran Church & Horace High School Signage Request | Barrett Voigt, Community Development Director

Mr. Voigt presented the Horace Lutheran Church & Horace High School Signage Request. The concept that was submitted proposed two monument signs and one pylon sign on the northwest corner of the Horace Lutheran Church lot at 650 1st Street North. Mr. Voigt added that the City has no specific ordinance when it comes to signage. Mayor Peterson asked where the power would come from. Mr. Voge explained that it would come from the Lutheran Church.

Motion: Approve the Horace Lutheran Church & Horace High School Signage Request as Presented by Staff.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

Action taken: All in favor, none opposed. Motion carried.

Agenda Item #15: Tobacco Ordinance 2nd Reading | Brenton Holper, City Administrator & Lukas Croaker, City Attorney

Mr. Croaker summarized the second reading of the Tobacco Ordinance. He added that no changes were made, and no comments were received.

Motion: Approve the Tobacco Ordinance as Presented by Staff.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Veit

Action taken: All in favor, none opposed. Motion carried.

Agenda Item #16: Noise Ordinance 2nd Reading | Brenton Holper, City Administrator & Lukas Croaker, City Attorney

Mr. Croaker summarized the second reading of the Noise Ordinance Amendment. He added that a timeline was added during the last City Council meeting. He concluded that no changes were made, and no comments were received.



Motion: Approve the Noise Ordinance Amendment as Presented by Staff.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Johnson

Action taken: All in favor, none opposed. Councilmember Johnson abstained. Motion carried.

Agenda Item #17: Rud's Second Addition Rezone | Barrett Voigt, Community Development Director

Mr. Voigt summarized the new Rud's Second Addition Rezone. He added that one comment was received, which stated that the person opposed the rezone because of the lack of transparency. The applicant addressed the Council and explained the rezone. Mayor Peterson opened the public hearing at 9:13 pm. No comments were received. Mayor Peterson closed the public hearing at 9:13 pm. The Council then discussed the City's communication practices.

Motion: Approve the Rud's Second Addition Rezone as Presented by Staff.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Burkland

Action taken: Three in favor, Councilmember Johnson abstained. Motion carried (3-0).

Agenda Item #18: Portfolio Assignments | Brenton Holper, City Administrator

Mr. Holper presented the Portfolio Assignments. Councilmember Burkland will cover the following portfolios: Parks, events, community facilities and emergency services. Councilmember Johnson will cover the operations and economic development portfolios. Councilmember Veit will cover the planning and zoning portfolio. Councilmember Trudeau will cover the MetroCOG and infrastructure portfolios.

Motion: Approve the City Council Portfolio Assignments as Presented by Staff.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Burkland

Action taken: All in favor, none opposed. Motion carried.

Agenda Item #19: Design Fee Eligibility | Brenton Holper, City Administrator

Mr. Holper summarized the Design Fee Eligibility which already was discussed during agenda item #12. He explained that when a developer requests it, the design fee would be included in the special assessment. The City Engineer would check the work and make sure that it adheres to the City's design standards.

Motion: Allow Design Fees to be a Participating Cost for Special Assessment Districts.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

Action taken: All in favor, none opposed. Motion carried (4-0).

(Removed) Agenda Item #20: Dickey Rural Telephone Co-op Rezone | Lukas Croaker, City Attorney

Agenda Item #21: Water Improvement District No. 2020-6 (Horace Water Service Area Line Replacement) | Jim Dahlman, City Engineer

Mr. Dahlman presented the Water Improvement District No. 2020-6 (Horace Water Service Area Line Replacement) Plans & Specifications. He summarized the details of the project, its timelines, and the funding options.



Motion: Approve the Water Improvement District No. 2020-6 (Horace Water Service Area Line Replacement) Plans & Specifications.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Burkland

Action taken: All in favor, none opposed. Motion carried (4-0).

Mr. Croaker added that the Council should approve the resolution to authorize the auditor to advertise for bids.

Motion: Authorize the Water Improvement District No. 2020-6 (Horace Water Service Area Line Replacement) Auditor to Advertise for Bids.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Burkland

Action taken: All in favor, none opposed. Motion carried (4-0).

Agenda Item #22: Water Rates Increase Delay | Brenton Holper, City Administrator

Mr. Holper summarized the current rates for Horace Water and Cass Rural Water customers. He explained that Cass Rural Water is more expensive, and that the City will switch every Horace Water customer to Cass Rural Water once the two water projects will be completed. The City of Horace must increase the water rates to adapt to Cass Rurals Water rates. The next water rate increase was scheduled for July 2021, but Mr. Holper recommended a delay of two months.

Motion: Approve the Water Rates Increase Delay by Two Months.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

Action taken: All in favor, none opposed. Motion carried (4-0).

Agenda Item #23: Engineering/Public Works | Jim Dahlman, City Engineer

- a. Maple Lake Estates' pipework was completed. The project's completion date was set for July 2021.

Councilmember Trudeau asked Deputy Keller if he could keep an eye on side-by-sides and ATVs that are riding through newly seeded areas. The vehicles are also driving very late at night.

- b. Work on Terra Garden's Addition continued.
- c. 82nd Street was prepared for street paving.
- d. Concrete work on Cub Creek's shared use path started.
- e. Southdale Farms 1st Addition was waiting for the private utilities to complete their work on the lift station.
- f. Southdale Farms 3rd Addition's pre-construction conference was scheduled for Friday, May 7, 2021.
- g. The Lakeview Additions plans were submitted to staff for review.
- h. Terra Gardens 3rd Addition plans were submitted. Work was being done on the ID agreement.



- i. The connection to Cass Rural Water project continues. The older water tower in town will need an estimated \$150,000 worth in repairs. A new water tower might be a better solution because the City of Horace will need a 1-million-gallon water tower. The current tank is a 75,000-gallon water tower.
- j. The Lost River 5th Addition pond work started.

Agenda Item #24: City Administrator | Brenton Holper, City Administrator

- a. Mr. Holper met with Big Erv's owner, Kelly Visto. Mr. Visto would like to hold a couple of events in Horace later this year. He was also interested in installing a fence on the east side of his property to shield the residents.
- b. Staff continued to work on the Adelman's drainage project which included capital improvements.
- c. The building inspection list was updated. Mr. Holper summarized the current permit numbers and compared the totals to other cities in the area.
- d. Interviews for the position of the new building inspector took place on April 29, 2021.
- e. A new Communication Specialist was hired, and she will start on May 17, 2021.
- f. Mr. Holper worked on the recruitment for the new Finance Director and worked out more on additional agreement details with the recruitment firm Baker Tilly.

Agenda Item #25: Portfolio Reports

- a. Mayor Peterson participated in a workshop that was held in Bismarck by the North Dakota League of Cities. Councilmember Burkland and Mr. Holper also participated in the workshop. The group met with some legislators in Bismarck.
- b. Councilmember Veit reported that she won the special election on April 20, 2021. She thanked Derrick Johnson for being her opponent. Since the last City Council meeting, she was busy meeting with residents, public works, and working with the Planning and Zoning Commission. She added that this Council meeting was a good example of what happens when a high-density residential development is planned next to R-1 or RE lots. She requested that a high-density development would only be brought to the Council in the future if a buffer were included. The future of land use and the Comprehensive Plan were discussed and how to find a solution going forward.
- c. Councilmember Burkland reported that she met with Councilmember Johnson and the new Communication Specialist to discuss the upcoming Bean Days festival. The group plans to meet once a month.
- d. Councilmember Johnson asked that the feedback about communication would be implemented going forward.
- e. Councilmember Trudeau requested that letters to the residents about upcoming projects would be shared with Council in the future. The Special Assessment Policy Committee will meet next on May 5, 2021.

Agenda Item #26: Adjourn

Motion: Approve Meeting Adjourn at 10:04 pm.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

Action taken: All in favor, none opposed. Motion carried.



Next Regular Meeting is **May 17, 2021** at 6:00 pm