



## **Horace City Council Meeting Minutes**

The Horace City Council met on February 3, 2020 @ 6pm at Horace City Hall. Those present were Mayor Kory Peterson, Councilmember Chelsey Johnson, Councilmember Bryan Schmidt, Councilmember John Koerselman, Councilmember Dave Fenelon. Others present included: Jim Dahlman, Russ Sahr, Lukas Croaker, Brenton Holper and Barrett Voight.

Mayor Peterson called the meeting to order.

The pledge of allegiance was recited.

### **Agenda Item #3: Approve regular agenda**

**Motion:** Approve the regular agenda with the removal of 8b. and 8d.

**1<sup>st</sup> Motion:** Councilmember Schmidt

**2<sup>nd</sup> Motion:** Councilmember Fenelon

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

### **Agenda Item #4: Approve consent agenda**

a. Vendor Invoices

b. Balance Sheet & Income Statement

c. Storm, Sewer, and Street Improvement District No. 2019-2 (76th Avenue & Roundabout)

i. Progressive Estimate No. 8 in the amount of \$30,475.51 to Northern Improvement Co.

**Motion:** Approve the consent agenda.

**1<sup>st</sup> Motion:** Councilmember Fenelon

**2<sup>nd</sup> Motion:** Councilmember Koerselman

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

### **Agenda Item #5: Approval of City Council Meeting Minutes from January 21, 2020.**

**Motion:** Approve City Council Meeting Minutes from January 21, 2020.

**1<sup>st</sup> Motion:** Councilmember Koerselman

**2<sup>nd</sup> Motion:** Councilmember Schmidt

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

### **Agenda Item #6: Public Comment**

No comments.

### **Agenda Item #7: Sheriffs Update**

Deputy Sheriff Krause gave a yearly update that included a total of 1,577 calls for service in 2019.

Construction in 2020 will be an area of focus, as it was in 2019 but look forward to the shared partnership we have with the City of Horace. January 2020 had 128 calls for service which is on trend based on last year. Deputy Sheriff Krause made note of a car theft ring that has been going on in Fargo and reiterated the alert sent by Cass County but here have been no issues of this in Horace as of yet.



**Agenda Item #8: Water, Storm, Sewer, and Street Improvement District 2020-2 (81st Ave.) | Lukas Croaker, City Attorney**

Discussion & Action: Mr. Croaker presented that in early 2019 the school district petitioned to the City for this Improvement District but didn't account for enough land and the City approved a Resolution of Necessity in December 2019. Since this Resolution of Necessity, the 30-day protest period has expired, and tonight is the protest hearing.

a. Protest Hearing began at 6:18 p.m. with Mr. Croaker reading from three E-mail protests from property owners, not protesting the project but asking for their property to be removed. Brian Kounovsky from Epic Properties commented that a retention pond is planned for their property and if this Improvement District benefits the area West of the old train tracks in the improvement boundary. Public Hearing closed at 6:26 p.m.

c. Resolution Declaring Insufficient Protests

**Motion:** Approve Resolution Declaring Insufficient Protests.

**1<sup>st</sup> Motion:** Councilmember Schmidt

**2<sup>nd</sup> Motion:** Councilmember Johnson

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

**Agenda Item #9: Greeley Addition Final Plat and Planned Unit Development (PUD) Agreement (Rezone) – 2nd Reading | Barrett Voigt, Community Development Director**

a. Final Plat Public Hearing

i. Discussion & Action: Mr. Voigt presented details on the Final Plat 2<sup>nd</sup> Reading and recommended approval of the Final Plat, Vacation Plat, and PUD Agreement.

**Public Hearing:** A Public Hearing was opened and closed at 6:32 p.m.

**Motion:** Approve Greeley Addition Final Plat

**1<sup>st</sup> Motion:** Councilmember Johnson

**2<sup>nd</sup> Motion:** Councilmember Fenelon

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

b. Vacation Plat

i. Discussion & Action:

c. PUD Agreement (Rezone) 2nd Reading

i. Discussion & Action:

**Motion:** Approve Vacation Plat and PUD Agreement (Rezone) 2<sup>nd</sup> Reading.

**1<sup>st</sup> Motion:** Councilmember Fenelon

**2<sup>nd</sup> Motion:** Councilmember Schmidt

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

**Agenda Item #10: Lost River 5th Addition | Barrett Voigt, Community Development Director & Lukas Croaker, City Attorney**

a. Improvement District Agreement

Discussion & Action: Mr. Holper presented the Improvement District Agreement and the Cash in Lieu dedication. Within the Park's District recommendation, their Cash in Lieu dedication of



\$90,375.00 and was based on the recommendation when they did a preliminary plat. There has been some delay's in this development since the recommendation and the City has a resolution that states it's \$1.50/Sq. Ft. for Cash in Lieu dedication for any new developments. From this resolution it comes out to \$382,042.98 from the staff recommendation. Mr. Croaker presented four options of the following;

1. Continuing with the fee of \$1.50/Sq. Ft. for cash in lieu dedication for residential development, with the current resolution expiring 12/31/2020.
2. The subdivider may submit a copy of the purchase agreement and the City can assess the fair market value based on the purchase agreement for the land dedication.
3. The fair market value may be based on a current appraisal submitted to the City by the subdivider.
4. If the City disputes each appraisal, the City at the subdivider's expense can obtain an appraisal by a qualified appraiser and would be conclusive of fair market value of the land.

With options presented for cash in lieu of land dedication, the City staff recommendation to planning commission and now to Council is the first option based on the resolution of setting the payment in lieu of land dedication for \$382,042.98. Council invited Jack Dwyer on behalf of Winnie Development and Tom Samuelson, President of Winnie Development to speak. Mr. Dwyer presented a proposal of paying a cash in lieu payment of the \$90,000.00 plus an additional cash in lieu payment of \$569,091.00 for an additional 87 acres upcoming for a total of \$662,000.00. This is to help reduce the bond requirement of Meadowlark Park which is about to bid out by the Horace Park District and honors the original agreement between the developer and Park District before the resolution. Councilmember Johnson is working with the Park District on the Meadowlark Park and will abstain from a future vote. Justin Germundson from the Horace Park Board spoke on behalf of the Horace Park District and reiterated that any cash in lieu payments are intended for the park bond and the agreement between the Developer and Park District of the \$90,000.00 was before his time but would like to honor that original agreement if possible.

**Motion:** Approve the motion to accept the Developer's proposal of the total of \$662,000.00 Cash in Lieu payment and the money applied to the bonds of Meadowlark Park in the Developer's Agreement.

**1st Motion:** Councilmember Fenelon

**2nd Motion:** Councilmember Schmidt

**Action taken:** All in favor, none opposed. Councilmember Johnson abstained from the vote. Motion carried.

**Motion:** Approve the motion of 50% Letter of Credit for the Developer's Agreement.

**1st Motion:** Councilmember Koerselman

**2nd Motion:** Councilmember Schmidt

**Action taken:** All in favor, none opposed. Councilmember Johnson abstained from the vote. Motion carried.

b. Final Plat Public Hearing & Rezone 2nd Reading

i. Discussion & Action: Staff recommends approval of Final Plat and Rezone 2<sup>nd</sup> Reading as outlined in staff report. Public Hearing was open and closed at 7:09 p.m.



**Motion:** Approve the motion for Final Plat & Rezone 2<sup>nd</sup> Reading contingent upon completion and approval of Developer's Agreement.

**1st Motion:** Councilmember Schmidt

**2nd Motion:** Councilmember Fenelon

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

**Agenda Item #11. Water, Sewer, Storm, and Street Improvement District No. 2020-4 (Lost River 5th Addition) | Jim Dahlman, City Engineer**

a. Resolution Creating the District

**Motion:** Approve the Resolution creating the District Boundary Map.

**1st Motion:** Councilmember Fenelon

**2nd Motion:** Councilmember Koerselman

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

b. Resolution Directing the City Engineer to Prepare the Preliminary Engineering Report

i. Discussion & Action: The Engineering Report will include estimated project cost.

**Motion:** Approve the Resolution directing the City Engineer to Prepare the Preliminary Engineering Report.

**1st Motion:** Councilmember Koerselman

**2nd Motion:** Councilmember Johnson

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

**Agenda Item #12. Lakeview Heights 3rd Addition | Barrett Voigt, Community Development Director**

a. Preliminary Plat Public Hearing

i. Discussion & Action: Mr. Voigt presented details on the Preliminary Plat of Lakeview 3<sup>rd</sup> Addition including land dedication would be cash in lieu payment. Planning Commission approved this preliminary plat on January 28, 2020 with amendments to the City Ordinances to include private roads and commercial block lengths. The developer and property owners have all been in communication in order to ensure access will be streamlined and proposed appropriately. Need to work with the County on access for County roads and need to have an approved preliminary plat in order to bring to County for consideration. The preliminary plat is not the final plat but will be more finalized once County has been able to give feedback on access and when details on wheat Commercial entities would be in what space.

**Motion:** Approve the motion of the Preliminary Plat with changes on the entrance/exit on 76<sup>th</sup> Avenue and all parties involved in the commercial building will work together on access and traffic flow.

**1st Motion:** Councilmember Koerselman

**2nd Motion:** Councilmember Fenelon

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

**Agenda Item #13. Water, Sewer, Storm, and Street Improvement District No. 2020-3 (Wall Avenue (CR-17 to Diversion Rd./81st Street)) | Jim Dahlman, City Engineer**



a. Review & Discussion: Mr. Dahlman presented details on the Wall Avenue Public Forum held on January 16, 2020 at City Hall, 40 residents were in attendance and received 63 comments and ten E-mails. Moving forward, comments have been received by the City Council and that another Public Meeting on Wall Avenue will be held in the near future.

**Agenda Item #14. Horace Comprehensive Plan – Revisions and Completion | Brenton Holper, City Administrator & Wendy Van Duyne, Stantec**

a. Discussion & Action: Mr. Holper introduced Wendy Van Duyne as a Project Manager and Consultant with Stantec to give an update on the revised Horace Comprehensive Plan. Mrs. Van Duyne updated Council that 90% of the scope of work is complete. With the development activity so active in Horace it can be a challenge to update a Comprehensive Plan. The future land use map and small areas development section was drafted over the course over the summer and Stantec solicited information from developers and the City to identify these areas and finalize the future land use map. Today, we are at the point in completing the plan, but the small area development plan is no longer relevant to the activity in Horace. It was requested that Stantec can provide an addendum to this small area development draft in order to finalize this plan and be able to provide the most relevant information to the activity in the City currently. If approved to provide this addendum, Stantec will provide updates on February 27, 2020 at the final community open house and April 6, 2020 will present to the Council for final adoption.

**Motion:** Approve the motion of Stantec to provide an addendum to the Horace Comprehensive Plan at a cost of up to \$15,000.

**1st Motion:** Councilmember Felon

**2nd Motion:** Councilmember Schmidt

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

**Agenda Item #15: Engineering/Public Works**

i. Discussion: Mr. Dahlman gave an engineering & public works update including;  
a. Flooding for Spring and feedback regarding flood insurance. Mr. Dahlman is working on mapping areas of classification for FEMA to help inform residents.

**Agenda Item #16: City Administrator**

i. Discussion: Mr. Holper gave the City Administrator update including;  
a. The road grader arrived this week and Public Works is working with it now for widening roads. The snowblower will arrive next week weather dependent.  
b. The tax equalization meeting is looking to be held April 1, 2020 but is still pending. The County assessor officer would be where we can direct residents for questions as they are the entity assessing.

**Agenda Item #17: Portfolio Reports**

**Mayor Peterson:**

- Flood insurance is a question that is coming up and as Mr. Dahlman mentioned will work on getting an area map outlined.



- Home Builders Association was last week, and each Mayor had five minutes to speak on their City. It was a great event and appreciated being invited as a City.

**Councilmember Koerselman:** No updates.

**Councilmember Fenelon:** No updates.

**Councilmember Johnson:** No updates.

**Councilmember Schmidt:** No updates.

**Agenda Item #18: Adjourn**

**Motion:** Approve meeting adjourn at 8:18 p.m.

**1<sup>st</sup> Motion:** Councilmember Schmidt

**2<sup>nd</sup> Motion:** Councilmember Fenelon

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