



## **Horace City Council Meeting Minutes**

Due to COVID-19 and social distancing, the Horace City Council meeting took place online on April 6, 2020 @ 6:20pm. Those present on the Zoom video conference call were Mayor Kory Peterson, Councilmember Chelsey Johnson, Councilmember Bryan Schmidt, Councilmember John Koerselman, Councilmember Dave Fenelon. Others present included: Jim Dahlman, Lukas Croaker, Brenton Holper, Barrett Voigt and Russ Sahr.

Mayor Peterson called the meeting to order.

Mayor Peterson forwent the pledge of allegiance.

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

**Motion:** Approve the regular agenda.

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

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

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

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

- a. Vendor Invoices
- b. Balance Sheet & Income Statement
- c. Pledge Reports
- d. Water, Sewer, Storm and Street Improvement District No. 2017-1 (Lost River 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Additions)
  - i. Progressive Estimate No. 16 (semi-final) to KPH Inc. for \$132,308.50
  - ii. Balancing Change Order No. 10 for -\$71,538.75 Motion: Approve the consent agenda.
- e. Sanitary, Storm Sewer, and Street Improvement District No. 2019-1 (Lakeview Dr.)
  - i. Progressive Estimate No. 6 to KPH Inc. for \$95,526.47
- f. Storm Sewer and Street Improvement District No. 2019-3 (63rd St.)
  - i. Progressive Estimate No. 6 to KPH Inc. for \$48,134.02

**Motion:** Approve the consent agenda.

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

**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 March 16, 2020**

**Motion:** Approve City Council Meeting Minutes from March 16, 2020.

**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 #6: Approval of Special City Council Meeting Minutes from March 19, 2020**

**Motion:** Approve Special City Council Meeting Minutes from March 19, 2020.



**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 #7: Public Comment**

No comments.

**Agenda Item #8: Sheriff's Update**

Deputy Sheriff Ross Krause called in and provided an update on the monthly report and a breakdown of the 111 total calls for service for the month of March 2020.

**Agenda Item #9: River's Edge 2nd Addition | Barrett Voigt, Community Development Director**

Mr. Voigt provided an update on the River's Edge Second Addition. The applicant provided an updated plat. The applicant is proposing a single-family subdivision development with a 130-foot wide linear park on the north end that will also act as a buffer to development to the north. It is the intention of the applicant to create a linear park along the north that will tie in with the future recreational amenity of a FM Diversion park. The subdivision proposes connecting Memory Lane so that there is a continuous connection from 76 Ave S to 88 Ave S.

This subdivision proposal would provide full city services and therefore will not require 1-acre lot minimums to meet county health septic system requirements as was performed in the past with Dreamfields and River's Edge developments. The development would provide for larger lots over an acre along the Sheyenne River and then recede to small lots westward with lot sizes that would adhere to the R-2 zoning district minimum lot requirements of 11,500 sf.

Staff evaluated the application and found that it falls in the suggested density range of the adopted future land use plan. The future land use plan designated this area as "Suburban" with a suggested density range of 1-3 units per acre. The applicant's proposal provided 2.54 units per acre. To comply with land dedication requirements, the Park Board will determine land dedication at a later date when the details of an offsite stormwater pond and park amenities become finalized. The proposed subdivision is not located within city limits. It is however located in the extraterritorial jurisdiction.

Before a final plat is submitted for approval, staff recommended annexing the proposed plat properties and future properties into the city prior to approving of the plat. Staff evaluated the application and found that the City Ordinance requirements have been met if the other issues are accounted for as conditions of approval. Therefore, staff recommended approval of the proposed preliminary plat as outlined in the staff report.

**Motion:** Accept Preliminary Plat for River's Edge 2nd Addition as presented by staff.

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

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

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



**Agenda Item #10: Garland Subdivision Zoning Amendment | Barrett Voigt, Community Development Director**

Mr. Voigt presented the 2<sup>nd</sup> Reading of the Garland Subdivision Zoning Amendment. Staff received an application from Jesse and Sarah Ouse for a zoning change from R-1 Single Family Residential to S-R Suburban Residential for the property located at 7497 100 Ave South. This application was submitted to rectify the issue to allow for a 70 X 120-foot accessory structure 25 feet in height.

Last year the City Council approved for a variance to allow for this structure on the condition that the property would be rezoned so that the accessory structure would be allowed by right. As required by the City Ordinance, staff sent out notice to property owners within 150 feet of the subject property and have not received any public comments. Staff evaluated the application and found that the City Ordinance requirements had been met. Therefore, staff recommended approval of the zoning change for a first reading as outlined in the staff report. Councilmember Schmidt outlined that there were no changes made from the last reading.

**Motion:** Approve Garland Subdivision Zoning Amendment 2<sup>nd</sup> Reading as presented by staff.

**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 #11: Zoning Ordinance Amendments (Block Length & Private Streets) | Barrett Voigt, Community Development Director**

Mr. Voigt presented the amended 2<sup>nd</sup> Reading of the Zoning Ordinance Amendments (Block Length & Private Streets). The following changes were made: Properties abut a river, former or current railroad, and/ or an existing drain. The words existing drain were added to avoid someone building a drain in hopes of circumventing the block length requirement.

Mr. Croaker asked what type of drain would be considered an existing drain? Mr. Voigt explained that it would be for all drains unless someone had a recommendation.

**Motion:** Approve Zoning Ordinance Amendments (Block Length & Private Streets) 2<sup>nd</sup> Reading as proposed by staff.

**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 #12: West Fargo School Addition Pond Lot Use Agreement | Lukas Croaker, City Attorney**

Mr. Croaker explained that the West Fargo School Addition Pond Lot Use Agreement outlines the party's rights and responsibilities for the pond on the lot. The City will own the lot once this agreement and exhibits are approved. This agreement details how the School can continue to use the property. It shows



what the School is responsible for and that they're liable when improvements are made, or when someone gets hurt.

Mr. Croaker pointed to Exhibit A which is the Warranty Deed for the lot and Exhibit B which is the Permanent Easement. Included in Exhibit B is the 20-foot-wide strip of land that is the School's access to the pond. The Permanent Easement shows the access that the School has after the lot is transferred to the City.

**Motion:** Approve the West Fargo School Addition Pond Lot Use Agreement and transfer the lot from the West Fargo School District to the City.

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

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

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

**Agenda Item #13: Sanitary Sewer Improvement District No. 2018-01 (Service to 100th Ave.) | Jim Dahlman, City Engineer & Lukas Croaker, City Attorney**

Mr. Dahlman presented a summary of the Sanitary Sewer Improvement District No. 2018-01 (Service to 100th Ave.) and the Boundary Map.

Mr. Dahlman explained that for the assessment several tiers could be used. An example he gave was Maple Lakes could benefit 100%. The next development ring could benefit 75%. The next one 50%, then a 25% assessment benefit. It would all depend on the Special Assessment Commission. Mayor Peterson added that the new developments will pay the bulk of the Sanitary Sewer Improvement District No. 2018-01 (Service to 100th Ave.). Mr. Croaker concluded that properties in the boundary will get a special assessment to lower cost for everyone involved.

Once the project is constructed, the attorney and the engineer will present to the Special Assessment Commission. Residents that are included in the improvement district will receive notice of the hearing in front of the Special Assessment Commission. There will be a second hearing held which residents can attend and voice any concerns that they have in front of the Committee and the City Council. Under Century Code, the City is only required to publish notice in the newspaper, but City Council stated in the past that it prefers letters to be sent to the property owners about the hearing.

**Motion:** Approve the resolution creating the Sanitary Sewer Improvement District No. 2018-01 (Service to 100th Ave.) and approve the District Boundary Map.

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

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

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

**Motion:** Approve the resolution directing the City Engineer to prepare the Sanitary Sewer Improvement District No. 2018-01 (Service to 100th Ave.) Preliminary Engineering Report.



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

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

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

**Motion:** Approve the resolution for the Sanitary Sewer Improvement District No. 2018-01 (Service to 100th Ave) Preliminary Engineering Report.

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

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

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

**Motion:** Approve the resolution directing the City Engineer to prepare the Sanitary Sewer Improvement District No. 2018-01 (Service to 100th Ave) Plans and Specifications.

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

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

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

**Agenda Item #14: Water, Sewer, Storm and Street Improvement District No. 2019-7 (Maple Lake Estates) | Jim Dahlman, City Engineer & Lukas Croaker, City Attorney**

Mr. Dahlman explained the reason for the amended Water, Sewer, Storm and Street Improvement District No. 2019-7 (Maple Lake Estates) Preliminary Engineering Report. The developer chose to bid this as a single phase instead of the originally proposed two-phase project. It now includes the proposed improvement of Water, Sewer, Storm Sewer, and Street Improvement District No. 2019-7 (Maple Lake Estates) as well as dirt work, underground utilities and street constructions. The costs were summarized into one project.

The councilmembers then discussed the amended preliminary Phase 1 Grading plan of the ponds and Mr. Dahlman explained where these ponds will be located and showed the already approved boundary. Councilmember Fenelon pointed out that the focus on the ponds is for the new development.

**Motion:** Approve the amended Water, Sewer, Storm and Street Improvement District No. 2019-7 (Maple Lake Estates) Preliminary Engineering Report.

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

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

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

**Motion:** Approve the resolution for the Water, Sewer, Storm and Street Improvement District No. 2019-7 (Maple Lake Estates) Plans and Specifications.

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

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

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



**Motion:** Authorize the resolution for the Water, Sewer, Storm and Street Improvement District No. 2019-7 (Maple Lake Estates) Auditor to Advertise for Bids.

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

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

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

Mr. Croaker explained that the Official Intent is an IRS requirement to begin to receive bond funds. The City will pay itself back once it receives those proceeds. The maximum principle amounts of bonds expected to be issued for this is \$8,637,000.

**Motion:** Approve the Water, Sewer, Storm and Street Improvement District No. 2019-7 (Maple Lake Estates) Official Intent.

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

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

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

**Agenda Item #15: Water, Sewer, Storm and Street Improvement District No. 2020-4 (Lost River 5th Addition) | Jim Dahlman, City Engineer & Lukas Croaker, City Attorney**

Mr. Dahlman summarized the Water, Sewer, Storm and Street Improvement District No. 2020-4 (Lost River 5th Addition). He explained that a sump pump connection to the storm sewer will be included.

**Motion:** Approve the resolution for the Water, Sewer, Storm and Street Improvement District No. 2020-4 (Lost River 5th Addition) Plans and Specifications.

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

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

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

**Motion:** Authorize the resolution for the Water, Sewer, Storm and Street Improvement District No. 2020-4 (Lost River 5th Addition) Auditor to Advertise for Bids.

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

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

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

Mr. Croaker explained that the Official Intent is an IRS requirement to begin to receive bond funds. The City will pay itself back once it receives those proceeds. The maximum principle amounts of bonds expected to be issued for this is \$8,244,000 which is 20% higher than the engineer's estimate.

**Motion:** Approve the Water, Sewer, Storm and Street Improvement District No. 2020-4 (Lost River 5th Addition) Official Intent.

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

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



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

**Agenda Item #16: Water, Sewer, Storm and Street Improvement District No. 2020-2 (81st Ave.) | Jim Dahlman, City Engineer & Lukas Croaker, City Attorney**

**Motion:** Approve the resolution for the Water, Sewer, Storm and Street Improvement District No. 2020-2 (81st Ave.) Plans and Specifications.

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

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

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

**Motion:** Authorize the resolution for the Water, Sewer, Storm and Street Improvement District No. 2020-2 (81st Ave.) Auditor to Advertise for Bids.

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

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

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

Mr. Croaker explained that the Official Intent is an IRS requirement to begin to receive bond funds. The City will pay itself back once it receives those proceeds. The maximum principle amounts of bonds expected to be issued for this is \$2,578,000 which is 20% higher than the engineer's estimate.

**Motion:** Approve the Water, Sewer, Storm and Street Improvement District No. 2020-2 (81st Ave.) Official Intent.

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

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

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

**Agenda Item #17: Accounting Method Policy | Brenton Holper, City Administrator & Becky Streitz, Finance Director**

**Motion:** Approve the policy of the City to use modified accrual basis for the governmental funds and accrual basis for the enterprise funds for its accounting basis.

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

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

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

**Agenda Item #18: FY 2019 Budget Amendment #2 | Brenton Holper, City Administrator & Becky Streitz, Finance Director**

Mr. Holper provided an overview of the budget that impacted the general fund, sales tax, and solid waste.

**Motion:** Approve the change of accounting basis to modified accrual basis for the governmental funds and accrual basis for the enterprise funds effected for the year ending 12/31/2019.



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

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

**Action taken:** All in favor (Council Member Fenelon absent), none opposed. Motion carried (3-0).

**Agenda Item #19: Utility Fees**

Mr. Holper gave an overview of the utility rate resolution. The current vector control rate is \$1.00 per month. It will be changed to \$2.50 per month. The current sewer rate is \$1.75 per 1000 gallons. In order to cover the City's costs, the rate will be changed to \$3.00 per 1000 gallons.

**Motion:** Approve new utility rates effective June 1<sup>st</sup>, 2020 for vector control from \$1.00 to \$2.50 per month and the sewer rate from \$1.75 to \$3.00 per 1000 gallons.

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

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

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

**Agenda Item #20: Over Dimensional Vehicle Policy | Brenton Holper, City Administrator**

Mr. Holper summarized the resolution for weight restrictions on City streets. By enforcing the City of Horace Over Dimensional Vehicle Policy, the integrity of the roads in the boundaries of the City limits will be protected.

**Motion:** Approve the resolution for Over Dimensional Vehicle Policy with final by legal.

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

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

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

**Agenda Item #21: Engineering / Public Works | Jim Dahlman, City Engineer**

a. Shared Use Path Project schedule was provided. Work will start on Monday, May 4<sup>th</sup>, 2020 and finish on Wednesday, June 3<sup>rd</sup>, 2020. Funds will have to be expended by the first week of July.

b. The next meeting with Cub Creek contractors is scheduled for Thursday, April 9<sup>th</sup>, 2020.

c. Southdale Farms Project continues to progress and should be ready in two weeks for approval and bidding.

d. Work on the High School is projected to start in the first week of May.

e. Sanitary Sewer Improvement District No. 2018-1 (Service to 100<sup>th</sup> Avenue) plans will be before Council on Monday, April 20, 2020 for approval.

f. Mr. Dahlman reminded everyone who owns a sump pump to discharge it outside. The City's lift stations were having trouble pumping. The reminder will also be posted on the City's website. As usual, Chestnut Drive was overloading with stations 1 and 2. Lift station 4 data was collected and will be presented during the next City Council Meeting on Monday, April 20<sup>th</sup>, 2020.





g. The Middle School continues being behind construction schedule. More workers are expected on site, weather permitting.

**Agenda Item #22: City Administrator | Brenton Holper, City Administrator**

a. The City of West Fargo canceled the inspection of the Middle School on Friday, April 3<sup>rd</sup>, 2020 due to personnel health issues and the risk of COVID-19. The City of Horace's building inspector and City Administrator scheduled a meeting with the third-party firm Midwest Inspections on Tuesday, April 7<sup>th</sup>, 2020 to finish the inspection and proposal which will be presented during the next City Council Meeting on April 20<sup>th</sup>, 2020.

b. The City of Horace building inspections will resume on April 8<sup>th</sup>, 2020. Going forward, residential and commercial builders will have to follow stricter rules and guidelines. A two-day notice will be required for inspection requests. Certificate of occupancy will no longer be given out on the day of. The job site will have to be cleared at least one hour before. If there are any health or safety concerns, the inspection will be canceled. Adjustments due to COVID-19 will be made accordingly.

c. The City of Horace has two positions open including Public Works and Building Inspector. The individual who had accepted the offer for the Public Works position failed to perform the pre-appointment testing requirements. The position is back open. The position of Executive Assistant was filled. The individual has started working full time this week.

**Agenda Item #23: Portfolio Reports**

a. Mayor Peterson:

- Mayor Peterson reminded the community to support seniors during COVID-19 and to make sure that they're getting the supplies they need.
- Playgrounds continue to be open. Everyone is encouraged to bring wipes to clean the equipment which will help eliminate the spread of the virus.
- Residents should redirect their sump pumps outside as soon as possible.

b. Councilmember Koerselman: No updates.

c. Councilmember Fenelon: No updates.

d. Councilmember Johnson:

- Horace Happenings will be on time despite all the changes that were happening. Dates have changed including Clean Up Week.

e. Councilmember Schmidt:

- Councilmember Schmidt asked about feedback about using Zoom and its security issues that were reported by other Municipalities.
- He introduced nextdoor.com which is a social media platform for neighborhoods. Seven neighborhoods in Horace have Nextdoor setups for residents and around 500 residents have accounts. The City can communicate with people and push updates through Nextdoor. The US Census is also publishing on Nextdoor. Last weekend, Horace had a 52% response rate so far.



f. City Administrator Brenton Holper

- Mr. Holper asked if Planning Commission Meetings should continue with online meetings due to COVID-19? Council responded yes if materials are provided ahead of time.
- The deadlines for petitions was April 6<sup>th</sup>, 2020. There was one petition for Municipal Judge from Mayor Peterson.

**Agenda Item #24: Adjourn**

**Motion:** Approve meeting adjourn at 8:34 pm.

**1st Motion:** Councilmember Schmidt

**2nd Motion:** Councilmember Koerselman

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

**The Next City Council Meeting is April 20, 2020 at 6:00pm**