



Horace City Council Meeting Minutes

The Horace City Council met on August 17, 2020 @ 6:00 pm at Horace City Hall. Those present were Mayor Kory Peterson, Councilmember Bryan Schmidt, Councilmember Chelsey Johnson, Councilmember John Koerselman, and Councilmember Dave Fenelon. Others present included: Brenton Holper, Jim Dahlman, Barrett Voigt, and Lukas Croaker.

Mayor Peterson called the meeting to order at 6:01 pm

The pledge of allegiance was recited.

Agenda Item #3: Approve Regular Agenda Excluding Items #15, 16e, 17; Adding Items #9f (Bonds Sale), 8a (Enno's Parking Lot Buffer Reduction)

Motion: Approve regular agenda excluding items #15, 16e, 17; adding items #9f (Bonds Sale) and 8a (Enno's Parking Lot Buffer Reduction).

1st Motion: Councilmember Schmidt

2nd 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. County Road 17 Shared Use Path
 - i. Progressive Estimate No. 5 for \$31,619.02 to Border States Paving.
- e. Street Improvement District No. 2017-7 (Maple Grove)
 - i. Progressive Estimate No. 9 for \$2,496.81 to Earthwork Services Inc.

Motion: Approve Consent Agenda.

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Schmidt

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

Agenda Item #5: Approval of City Council Meeting Minutes from August 3, 2020

Motion: Approve City Council Meeting Minutes from August 3, 2020.

1st Motion: Councilmember Schmidt

2nd Motion: Councilmember Fenelon

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

Agenda Item #6: Public Comment

Resident Brian Reber asked if the \$200.00 permit fee for planting a tree in a public right-of-way could be examined because it is very expensive? Mr. Holper answered that right-of-way permit requirements will be discussed during agenda item #20.



Mr. Reber also asked if it would be possible to put a cap on the sewer rate because not all the water that households use will go down the sewer line? Councilmember Schmidt responded that residents flush the water from their sump pumps down the sewer and that the City cannot monitor the outflow into the sewer system. Councilmember Schmidt added that if an ordinance would be created that would prevent residents flushing water from their sump pumps into the sewer system, then a sewer rate cap could be discussed.

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

The Sheriff's update was not available.

Agenda Item #8: 402 Main Street Nuisance Violation | Barrett Voigt, Community Development Director

Mr. Voigt presented an update on the 402 Main Street Nuisance Violation. During the City Council meeting on August 3, 2020, the clean-up deadline was extended to August 14, 2020. Staff visited the site on August 17, 2020 and took photographs. Substantial improvements were made but under the ordinance, the nuisance (in this case junk) has not been completely removed. Mr. Voigt presented the images and asked Council how staff should proceed? Mr. Nelson who has been cleaning up the property commented that the fans underneath the tree belong to the landlord.

Mayor Peterson asked if the landlord has been informed about the nuisance? Mr. Voigt replied that the landlord is aware and has received several letters. Mr. Nelson asked if Council would like him to discard the fans? Mayor Peterson answered that the landlord should be informed prior to him removing items. Mayor Peterson requested that Mr. Voigt send a letter by August 21, 2020, to inform the landlord about the clean-up.

Motion: Approve Staff to Assist in Clean-up of Property at 402 Main Street and Enter the Property if necessary.

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Koerselman

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

Agenda Item #8a: Enno's Parking Lot Buffer Reduction | Barrett Voigt, Community Development Director

Mr. Enno explained that he is seeking a simple solution for his parking lot obstruction by reducing the buffer from 10 ft. to 5 ft. Mr. Voigt agreed and explained that a 10 ft. buffer is a waste of land use and therefore recommended a text amendment. Mr. Voigt added that Mr. Enno's building permit has already been approved and that the text amendment process will take about six to eight weeks. Councilmember Fenelon suggested that an exception should be made so that Mr. Enno can proceed with the construction of the lot with a 5 ft. buffer instead of having to wait for the approval of the text amendment.

Motion: Approve Staff to Enforce a 5 ft. Parking Lot Buffer and Start the Text Amendment Process.

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Koerselman

Action taken: Three in favor, Councilmember Johnson abstained. Motion carried.



Agenda Item #9: Resolution Directing Assessments to be Levied | Lukas Croaker, City Attorney

- a. SSSSt ID No. 2019-1 (Lakeview Drive) in the amount of \$4,438,216.76
- b. SSSSt ID No. 2019-2 (Roundabout & 76th) in the amount of \$3,816,567.59
- c. SSSSt ID No. 2019-3 (63rd Street) in the amount of \$2,240,482.14
- d. WSSSt ID No. 2019-5 (Visto Third Industrial Addition) in the amount of \$2,315,414.29
- e. WSSSt ID No. 2019-6 (Cub Creek First Addition) in the amount of \$7,083,832.60

Mr. Croaker summarized the estimated amounts for the projects 2019-1, 2019-2, 2019-3, 2019-5, 2019-6 and explained that one bond will be taken out for all five projects. The projects will be presented to the Special Assessment Committee which will then vote on how to assess each project individually.

Motion: Approve the Resolution Directing Assessments (agenda items #9a, 9b, 9c, 9d, 9e) to be Levied.

1st Motion: Councilmember Schmidt

2nd Motion: Councilmember Koerselman

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

Mr. Croaker asked if Council would like all property owners to receive notification letters in the mail? Mayor Peterson said that he would like the City to be consistent and agreed that letters need to be sent to all.

Agenda Item #9f: Resolution Directing Colliers International and Ohnstad Twichell to Sell Bonds | Lukas Croaker, City Attorney

Mr. Croaker presented the resolution directing Colliers International and Ohnstad Twichell to sell bonds. Colliers would be acting as the bonding agency and Ohnstad Twichell as the bond council.

Motion: Approve the Resolution Directing Colliers International and Ohnstad Twichell to Sell Bonds.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Koerselman

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

Agenda Item #10: Lost River Sixth Addition Rezone | Barrett Voigt, Community Development Director and Lukas Croaker, City Attorney

Mr. Voigt presented the second reading of the Lost River Sixth Addition rezone application. Staff did not receive any comments. Mr. Voigt recommended approval.

Motion: Approve Lost River Sixth Addition Rezone.

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Schmidt

Action taken: Three in favor, Councilmember Johnson abstained. Motion carried.

Agenda Item #11: Maple Lake Estates Addition Certificate of Name Change | Barrett Voigt, Community Development Director

Mr. Voigt presented the certificate of name change for the Maple Lakes Estates Addition. The County Recorder's Office denied the original street name application for "West Loop Road" and "East Loop Road" because the names violated the United States Postal Service policy in that street name proposals contained two street typologies which were "loop" and



“road.” The developer proposed “Burgundy Drive” to replace “East Loop Road” and “Concord Drive” to replace “West Loop Road.”

Motion: Approve the Resolution Changing Street Name in Maple Lakes Estates Addition.

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Johnson

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

Agenda Item #12: Resolution of Fees | Brenton Holper, City Administrator

Mr. Holper presented the resolution of fees and explained the changes to the commercial building permit fees. The signage fee was \$5.00 per sq. foot and Mr. Holper suggested to adjust the signage fee to 0.35 cents per sq. foot to align with Fargo and West Fargo. He also suggested to adjust the fee structure for construction that starts without needing a full building permit.

Mr. Holper explained the fee adjustments for residential building permits. One of the major changes was a siding permit is now needed for homeowners when they reside their home instead of a building permit. It will save homebuilders money because a building permit costs approximately three times more than the residing fee.

The mechanical inspections fee structure was introduced. The City’s building inspector Keith Asheim explained that the City of Horace was not set up to do mechanical inspections in the past. With this new fee structure, mechanical inspections can start.

Motion: Approve the Resolution of Fees.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Koerselman

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

Agenda Item #13: County Road 17 Shared Use Path Change Order No. 2 | Jim Dahlman, City Engineer

Mr. Dahlman presented the change order No. 2 for the County Road 17 Shared Use Path in the amount of \$14,178.62. The ditch of the path had to be reseeded because residents rode their off-highway vehicles in it and disturbed the grass. The project will be closed out with this change order. Any new charges will be discussed and voted on separately.

Motion: Approve the County Road 17 Shared Use Path Change Order No. 2 in the amount of \$14,178.62.

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Johnson

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

Agenda Item #14: 81st Ave. Temporary Construction Easement | Brenton Holper, City Administrator

Mr. Holper presented the 81st Ave temporary construction easement. The 81st Avenue project was awarded to Dakota Underground. The first addition plat has not been completed. For the project to move forward a temporary construction easement would be needed. The costs would be \$0.77 per sq. foot and the costs would be assessed to the project.

Mr. Holper added that if the temporary construction easement is not granted, the project would not



continue until next year and the project would have to be bid out again. Mr. Dahlman explained that the West Fargo School District requested the construction of the road. The cost for the temporary construction easement is estimated at around \$60,000.

Motion: Approve the 81st Ave. Temporary Construction Easement.

1st Motion: Councilmember Schmidt

2nd Motion: Councilmember Fenelon

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

Agenda Item #15 (removed): Street Improvement District No. 2017-7 Change No. 5 (Maple Grove) | Jim Dahlman, City Engineer

Agenda Item #16: Storm Sewer ID No. 2020-5 (Old River Oxbow Drainage) | Lukas Croaker, City Attorney

Mr. Dahlman explained that the improvement options, costs, and district area for the Old River Oxbow drainage issues were discussed during the last City Council meeting on August 3, 2020. Councilmember Schmidt asked if anything has changed since the last meeting? Mr. Croaker responded that the River's Edge 2nd Addition was originally called improvement district No. 2020-5 but that the project will not start until next year. The Old River Oxbow drainage project will therefore be called Storm Sewer Improvement District 2020-5. The resolution for creating the district will include the boundary map (which is the drainage area indicated in the map).

Mayor Peterson acknowledged that he received Mr. Aamodt's letter. Mr. Aamodt, who was in the audience, asked if he will have to worry about skateboarders in the drainage area once the concrete tile has been installed? Councilmember Johnson suggested that signage would be installed right away.

Motion: Approve the Resolution for the Storm Sewer ID No. 2020-5 (Old River Oxbow Drainage) Creating the District.

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Schmidt

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

Motion: Approve the Resolution for the Storm Sewer ID No. 2020-5 (Old River Oxbow Drainage) Directing Engineer to Prepare Report.

1st Motion: Councilmember Koerselman

2nd Motion: Councilmember Schmidt

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

Motion: Approve the Resolution for the Storm Sewer ID No. 2020-5 (Old River Oxbow Drainage) Accepting Engineer's Report.

1st Motion: Councilmember Koerselman

2nd Motion: Councilmember Schmidt

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



Motion: Approve the Resolution for the Storm Sewer ID No. 2020-5 (Old River Oxbow Drainage) Directing Engineer to Prepare Plans and Specifications.

1st Motion: Councilmember Koerselman

2nd Motion: Councilmember Schmidt

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

Agenda Item #16e (removed): Engineering Services Agreement | Jim Dahlman, City Engineer

Agenda Item #17 (removed): Deer Creek Estates Addition | Barrett Voigt, Community Development Director and Lukas Croaker, City Attorney

Agenda Item #18: Food Truck Applications | Brenton Holper, City Administrator

Mr. Holper explained that the City received two new food truck applications. The first one was from Big J's Smokehouse who applied for a permit to sell food on Wednesdays in the Lutheran Church parking lot. The second one was an application from Holy Smokes BBQ to sell food in a tent during Bean Days.

Motion: Approve Food Truck Applications.

1st Motion: Councilmember Schmidt

2nd Motion: Councilmember Johnson

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

Councilmember Koerselman asked Mayor Peterson if the food truck permits have to be brought in front of Council? Mayor Peterson responded that by ordinance every food truck application has to be approved by City Council. Mr. Croaker suggested that the permits can be put in the consent agenda. Council agreed that adding the food truck permits to the consent agenda would be a good idea. Mayor Peterson confirmed that food truck permits will be added to consent agendas going forward.

Agenda Item #19: Liquor License – Special Events | Brenton Holper, City Administrator

Mr. Holper explained that Rookery Rock Winery applied for a special events liquor license. The four special events liquor licenses allow the winery to participate during Bean Days and during the three upcoming farmer's markets.

Motion: Approve the Special Events Liquor License.

1st Motion: Councilmember Felon

2nd Motion: Councilmember Koerselman

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

Agenda Item #20: Right-of-Way Permit Requirements | Brenton Holper, City Administrator

Mr. Holper presented the right-of way permit requirements. In the past, a right-of-way permit in Horace cost \$200.00. A resident needed a right-of-way permit to plant a tree. The City encourages tree planting and Mr. Holper therefore recommended that right-of-way permits would only be required if drainage work is involved or when an engineer has to do plan approval. The City would still require residents to fill out the application form, but the City would not charge the \$200.00 fee.



Mr. Croaker recommended to add a disclaimer on the permit stating that the \$200.00 fee will be waived for tree planting.

Motion: Approve Right-of-Way Permit Requirements.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Fenelon

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

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

- a. Southdale Farms started construction the week of August 10, 2020.
- b. The road to the schools has been completed and signage will be installed soon.
- c. One of the issues reported during the rainfall on Friday, August 14, 2020, was the roundabout which took on about a quarter of inch of water. Other drainage issues occurred in Lost River because the sanitary sewer started backing up. The developer of the Lost River 5th Addition brought in a six-inch pump and a couple of four-inch pumps to help alleviate the lift station. Mr. Dahlman explained that he will inspect the development in the next few weeks to find the problems that caused the sewer issues.

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

- a. The draft profile for the City Engineer position has been completed. Mr. Holper laid out the timeline for the job listing and hiring process. The profile will be posted on Friday, August 21, 2020. The application deadline will be September 14, 2020. Screening and reviewing of candidates will take place from September 17th through September 22nd, 2020. Presenting candidates and reports will start on October 30th, 2020. Final interviews will be scheduled October 16th, 2020. The anticipated start date is mid to late November 2020.
- b. 117 total building permits have been granted this year to date. 58 of the 117 permits were residential dwelling permits, 7 were commercial building permits. In 2019, 73 total permits were granted during the same time last year. 35 were residential dwelling permits, 1 was a commercial building permit.
- c. League of Cities has been working with the State on a second round of COVID-19 relief fund allocations for cities and counties. The County will figure out the allocations and the City could get a refund for part of its law enforcement costs for the last seven months.
- d. The new Hustler mower was delivered on August 13, 2020.
- e. Mr. Holper presented the results of the City's water survey. A total of 143 residents participated. 106 were Horace water users, 31 were Cass Rural water users, and 6 were well water users. 73% of Horace water users were dissatisfied with the overall water quality. When asked how the residents felt about coloration of the water, 80% responded that they were dissatisfied. 71% were dissatisfied with the taste of Horace water. 37% were dissatisfied with their water pressure, and 44% were dissatisfied with the smell. Some of the comments received included that Horace water smells disgusting, the taste is horrendous, and that the rust stains laundry, appliances, and toilets.

One of the questions in the survey asked if residents would prefer a higher base rate and a lower cost per 1,000 gallons of water or a lower base rate and a higher cost per 1,000 gallons of water?



55% of Horace water users preferred a lower base rate and 45% preferred a high base rate. 77% of Cass Rural water users preferred a lower base rate and higher cost per 1,000 gallons of water.

93% of Cass Rural water users were satisfied with their overall water quality.

Over 80% of users were also satisfied with the taste, coloration, pressure, and smell of Cass Rural water.

- f. The strategic planning survey is online. Mr. Holper reminded everyone to participate in the survey and explained that the strategic planning workshop will take place on September 10, 2020 and September 11, 2020.

Agenda Item #23: Portfolio Reports

a. Mayor Peterson – no updates.

b. Councilmember Koerselman – no updates.

c. Councilmember Fenelon – no updates.

d. Councilmember Johnson reported that she received the proof for the Bean Days flyers. Due to COVID-19, the Bean Days event was shortened to one day, instead of two. The Lions Club will host the pancake breakfast. A 5K run will be held, vendors will sell their goods, and there will be live music from 10:00am until 2:00pm. Bingo will take place at the Senior Hall and a firework display will close the event at 9:00pm. There will also be a car show. The Park Board will organize a softball tournament, but the tournament has not been confirmed yet.

Councilmember Johnson emphasized that residents and visitors must follow social distancing guidelines. The City will hand out masks and hand sanitizers during the event to keep everyone as safe as possible. There will be plenty of room to spread out during the parade. Parade participants and candy throwers will wear masks and gloves. Mayor Peterson added that Jay Thomas will host his radio show at the Fire Hall in Horace on Friday, September 11, 2020.

e. Councilmember Schmidt and Mr. Holper both met with state representatives Michael Howe and Brandy Pile who are up for reelection. They also met with Mark Webber, the new state senator and discussed what impact changes in state funding will have. They also invited them to visit Horace's City Hall once every quarter to discuss Horace's future.

Agenda Item #24: Adjourn

Motion: Approve meeting adjourn at 7:47 pm.

1st Motion: Councilmember Schmidt

2nd Motion: Councilmember Fenelon

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

The Next City Council Meeting is September 8, 2020 at 6:00 pm