

Horace City Council Meeting Minutes

Due to COVID-19 and social distancing, the Horace City Council meeting took place online on December 7, 2020 @ 6:00pm. Those present on the Zoom video conference call were Mayor Kory Peterson, Councilmember Chelsey Johnson, Councilmember Bryan Schmidt, Councilmember John Koerselman, and Councilmember Dave Fenelon. Others present included: Jim Dahlman, Lukas Croaker, Brenton Holper, and Barrett Voigt.

Mayor Peterson called the meeting to order.

Mayor Peterson forwent the pledge of allegiance.

Agenda Item #3: Approve Regular Agenda

Motion: Approve Regular Agenda and Moving Agenda Item #20 after Agenda Item #13.

1st Motion: Councilmember Fenelon 2nd Motion: Councilmember Koerselman

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 ID No. 2020-4 (Lost River Fifth)
 - i. Progressive Estimate No. 6 to Dakota Underground Co.
- e. Water, Sewer, Storm and Street ID No. 2019-6 (Cub Creek First Addition)
 - i. Progressive Estimate No. 12 to Dakota Underground Co.
- f. Sanitary Sewer ID No. 2018-1 (100th Avenue Sanitary Sewer Forcemain)
 - i. Progressive Estimate No. 2 to KPH Inc.
- g. Water, Sewer, Storm and Street ID No. 2019-7 (Maple Lake Estates)
 - i. Progressive Estimate No. 6 to KPH Inc.

Motion: Approve Consent Agenda.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Schmidt

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

Agenda Item #5: Approval of City Council Meeting Minutes from November 16, 2020

Motion: Approve the City Council Meeting Minutes from November 16, 2020.

1st Motion: Councilmember Schmidt 2nd Motion: Councilmember Fenelon

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



Agenda Item #6: Approval of Special City Council Meeting Minutes from November 18, 2020

Motion: Approve the Special City Council Meeting Minutes from November 18, 2020.

1st Motion: Councilmember Fenelon2nd Motion: Councilmember Johnson

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

Agenda Item #7: Sheriff's Update | Ross Krause/Thomas Behm, Cass County Sheriff's Department Deputy Sheriff Thomas Behm summarized the 130 calls for service received during the month of November. He added that fraudulent unemployment claims have increased. Residents should contact the Sheriff's Department and report any correspondence about unemployment benefits that they did not apply for.

Agenda Item #8: Annexation by Resolution – Fradet's, Westbrook, and Lazy A Subdivisions | Lukas Croaker, City Attorney

Mr. Croaker presented the Annexation by Resolution and summarized the course of actions since the November 2, 2020 City Council meeting. He explained that the City Council tabled the motion twice before and that Mayor Peterson met with resident representatives to reach an agreement between the City and the residents who live in the annexation area. An agreement was not reached, and Mayor Peterson recommended moving forward with the mediation.

Motion: Approve the Annexation of Fradet's, Westbrook, and Lazy A Subdivisions Move to Mediation.

1st Motion: Councilmember Fenelon 2nd Motion: Councilmember Koerselman

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

Agenda Item #9: DRN Fiber | Brenton Holper, City Administrator & Kent Schimke, CEO/General Manager of DRN

Mr. Holper explained that the City was approached by DRN Fiber, a company that provides fiber services in rural communities. DRN would like to work with the City of Horace and make a significant investment by providing Horace with fiber optics. The City will not charge DRN a franchise fee because they do not apply to telecommunication companies. CEO Kent Schimke gave an overview of DRN Fiber and added that they would like to start laying fiber cables in the spring of 2021 and provide voice and broadband service to Horace residents in the fall of 2021. Mr. Schimke estimated that DRN is will be making a \$13M investment into Horace.

Mr. Holper concluded that he has been working with Mr. Croaker on an agreement between the City of Horace and DRN which will be presented to the City Council as it becomes available. Councilmember Schmidt asked if DRN will bring job opportunities to the Horace community? Mr. Schimke answered that the company is planning to hire 3-5 employees in the future.

Agenda Item #10: Strategic Plan | Brenton Holper, City Administrator & Richard Fursman, Hue Life Mr. Holper explained that the City of Horace has been working on a strategic plan in collaboration with the company Hue Life. Mr. Fursman of Hue Life summarized the strategic plan and its vision and direction. Staff and residents have been working for several months to collect data. A strategic planning survey was conducted to collect further data to see what was most important to Horace's residents. A one-year action plan was created which included a two-year calendar workplan. The timelines are



flexible and can be adjusted. Mr. Fursman recommended that the City of Horace adopts the proposed strategic plan as presented. Councilmember Johnson added that the strategic plan is very important so that the City maintains is small town feel despite growing quickly.

Motion: Approve the Strategic Plan as Presented by Richard Fursman of Hue Life.

1st Motion: Councilmember Fenelon 2nd Motion: Councilmember Johnson

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

Agenda Item #11: Southdale Farms Third Addition | Barrett Voigt, Community Development Director & Jim Dahlman, City Engineer

Agenda Item 11a. Southdale Farms Third Addition Plat

Mr. Voigt presented the plat and rezone application for the Southdale Farms Third Addition. Mayor Peterson opened the public hearing at 7:16pm. Chris Mack, the developer's representative, explained what is planned for the project, the pond, and the bike path. The cost for the bike path will be added to the specials of the new lots and the new landowners will be paying these specials. The Park District, which is a sperate entity from the City, would be responsible for the new park, not the City.

Councilmember Koerselman asked what kind of amenities were planned and what was planned for the C2 area? Mr. Mack replied that a small business or coffee shop is planned for the C2 area. A question was posted on Zoom asking how many of the planned 700 lots have already been sold? Councilmember Fenelon said that the developers would be able to answer that question. Another question was posted on Zoom asking if the Park Board can special assess residents? Councilmember Fenelon answered that the Park Board can special assess just like a city. Mayor Peterson closed the public hearing at 7:28pm.

Motion: Approve the Southdale Farms Third Addition Plat as Presented by Staff.

1st Motion: Councilmember Koerselman2nd Motion: Councilmember Schmidt

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

Agenda Item# 11b. Southdale Farms Third Addition Rezone

Mayor Peterson opened the public hearing at 7:30pm. No comments or questions were received. Mayor Peterson closed the public hearing at 7:31pm.

Motion: Approve the Southdale Farms Third Addition Rezone as Presented by Staff.

1st Motion: Councilmember Schmidt 2nd Motion: Councilmember Johnson

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

Agenda Item #11c. Resolution Accepting Preliminary Engineer's Report Agenda Item #11d. Review and Approve Engineering Services Agreement Agenda Item #11e. Resolution Directing Engineer to Prepare Plans & Specifications

Mr. Dahlman presented the Preliminary Engineering Report, the Engineer Service Agreement, and the Plans & Specifications for the 137-lot subdivision. Mr. Dahlman summarized the construction items that will be included. The costs for the infrastructure are estimated at approximately \$6.5M.

Motion: Approve Agenda Items #11c., #11d., and #11e., as Presented by Staff.

1st Motion: Councilmember Schmidt



2nd Motion: Councilmember Fenelon

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

Agenda Item #12: Horace Elementary First Addition | Barrett Voigt, Community Development Director

Mr. Voigt presented the plat and rezone application for the Horace Elementary First Addition which would combine two lots into one. The area would be rezoned from an R-E (Residential Estate) to a PF (Public Facility). An additional building, a drainage pond, and additional parking would be added to the property. The plan is to vacate the parking lot and vacate the frontage road so that they can be incorporated with the site. The street names First Avenue North and 2nd Street West would be changed to Ironwood Drive so that it is consistent with current addresses in the area. The commercial radio tower would remain as a legal nonconforming use. Staff did not receive any questions or comments and recommended approval of the applications.

WF School District's construction coordinator Mark Lemer and Tony Eukel with MBN Engineering explained the entire project in detail with the City Council. Councilmember Fenelon asked what would happen to the frontage road? Mr. Eukel replied that the frontage road would be removed. Mayor Peterson opened the public hearing at 7:47pm. Mr. Lemer provided additional information on the project's infrastructure and future plans. No questions or comments from the public were received. Mayor Peterson closed the public hearing at 7:51pm.

Motion: Approve the Horace Elementary First Addition Plat as Presented by Staff.

1st Motion: Councilmember Fenelon2nd Motion: Councilmember Koerselman

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

Mayor Peterson opened the public hearing for the rezone application at 7:51pm. Mr. Lemer explained that their team worked with the City and eliminated any design concerns. No questions or comments from the public were received. Mayor Peterson closed the public hearing at 7:53p.

Motion: Approve the Horace Elementary First Addition Rezone as Presented by Staff.

1st Motion: Councilmember Johnson 2nd Motion: Councilmember Koerselman

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

Agenda Item #13: Special Election Process | Brenton Holper, City Administrator

Brenton Holper explained the Special Election Process. The public was notified through a press release, the City's website, and the City's Facebook page about the upcoming recall election. A commission was formed, and they filed a recall petition for Councilmember Schmidt and Councilmember Fenelon. The filing deadline for anyone who wants to run for those two council seats is January 4, 2021 at 4:00pm. The petitions would be submitted to the City Auditor. The election date will be March 9, 2021. The City is working with the County on offering absentee mail-in ballots as well as a possible in-person voting location.

The City Council will need to make a decision if residents need to request absentee voting ballots or if the County should send ballots to everyone who received an absentee voting ballot during the last



election? After January 4, 2021, the County will be handling the ballots. There will be costs from the County tied to the administration of this special election.

Councilmember Koerselman stated that two Councilmembers won during the last election in June and they both ran unopposed. He added that he thinks that these individuals who are recalling the votes, are doing it for their own agenda. He wishes that people would take their time and come to the City Council meetings and voice their concerns during the public comment sections. In the past, not many residents have attended the City Council meetings. He concluded that the special recall election is unnecessary, and it will be costing additional taxpayer money.

Motion: Direct Cass County to Mail Absentee Voting Ballots for the Recall Special Election to Voters who Received an Absentee Voting Ballot during the Last Election.

1st Motion: Councilmember Schmidt2nd Motion: Councilmember Johnson

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

Agenda Item #20 (moved up): Special Assessment Policy Proposal | Brenton Holper, City Administrator

Mr. Holper explained the Special Assessment Policy Proposal. The City has been working with consultants from Stantec to develop a special assessment policy. A more extensive public involvement section needs to be added to this draft, because the City would like to make sure that there is more public engagement going forward. The policy would provide consistency on how Horace will handle special assessments. Communities under 10,000 residents are not required to have a special assessment policy in place but it is needed because of Horace's current growth. The proposal states a price of \$15,000 for the policy. Mr. Holper would like to increase the price to \$18,000 so that Stantec can add a larger public involvement section. The cost for the policy will be paid from the City's general fund.

Motion: Approve Special Assessment Policy Proposal with a Budget of \$18,000.

1st Motion: Councilmember Fenelon2nd Motion: Councilmember Schmidt

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

Agenda Item #14: Water, Sewer, Storm and Street ID No. 2019-7 (Maple Lake Estates) | Jim Dahlman, City Engineer

Mr. Dahlman and Zach Hatting of Interstate Engineering explained the Change Order No. 2 and Time Extension Request for Maple Lakes Estates. The change order No. 2 is in the amount of \$762,050.00. Zach Hatting explained that additional dirt needed to be moved. There were additional rubbish piles onsite that were not present during the time of design. There is an excess of 52,0000 cubic yard of dirt that needs to be moved additionally.

The owner requested bringing the lots on either side of East Loop Road between 102nd Avenue S and 10 4th Avenue S upto LOMR elevations so they are buildable lots. All sewer and water services in this stretch are already included in phase 1 of the project. It was decided that this additional earthwork would be included in phase 2 of the project to save on cost. There will be additional topsoil that will be moved. There is also a time extension request because small utilities can not be installed until the spring of 2021. A freeze thaw cycle will help produce a better road surface once it is paved.



Properties in the Maple Lakes development would be responsible for the additional costs through the development's special assessment district. Special Assessments within the district boundary will fund these additional costs, no other residents will be assessed for this cost.

Motion: Approve the local improvements for the Water, Sewer, Storm and Street ID No. 2019-7 (Maple Lake Estates only) Change Order No. 2 and Time Extension Request.

1st Motion: Councilmember Koerselman 2nd Motion: Councilmember Schmidt

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

Agenda Item #15: Water, Sewer, Storm and Street ID No. 2020-2 (81st Avenue) | Jim Dahlman, City Engineer

Mr. Dahlman presented the Change Order No. 1 and the Time Extension Request for the Water, Sewer, Storm and Street ID No. 2020-2 (81st Avenue). There were some prior discussions between the City and the WF School District about special assessments which delayed the notice to proceed for the 81st Avenue project. To ensure this area has drainage over the winter and in the spring, the contractor agreed to install a storm sewer to the high school storm sewer tie in point which will cost an additional \$25,000. Due to the delay of the notice to proceed, the contractor was unable to start the job until after the completion date of the project. The contractor requested the completion date for the entire project to be extended for one year. Mr. Holper explained that the additional costs would be added to the project costs.

Motion: Approve the Water, Sewer, Storm and Street ID No. 2020-2 (81st Avenue) Change Order No. 1 and Time Extension Request.

1st **Motion:** Councilmember Koerselman **2**nd **Motion:** Councilmember Fenelon

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

Agenda Item #16: Sanitary Sewer ID No. 2018-1 (100th Avenue Sanitary Sewer Forcemain) | Jim Dahlman, City Engineer

Mr. Dahlman explained the Time Extension Request for the Sanitary Sewer ID No. 2018-1 (100th Avenue Sanitary Sewer Forcemain). The extension is being requested by the contractor. No electrical service will be available to the site until the spring of 2021 which means that initiation and startup of the lift station cannot be completed. The original completion date was November 7, 2020. The contractor is requesting the completion date to be moved to June 1, 2021.

Motion: Approve the Sanitary Sewer ID No. 2018-1 (100th Avenue Sanitary Sewer Forcemain) Time Extension Request.

1st Motion: Councilmember Koerselman2nd Motion: Councilmember Fenelon

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

Agenda Item #17: 2020 Water Projects I Brenton Holper, City Administrator

Mr. Holper presented an update on the 2020/2021 Water Projects. Mr. Dahlman explained that the City is currently working on two water projects. The first one is the water meter replacement, and the second project is connecting to Cass Rural Water. The two projects will be presented in front of the



State Water Commission in February 2021 because there is a potential grant that could cover 60% of the local cost. The City already received comments back from the State Water Commission. Currently, there is a virtual input meeting video about the water meter replacement project available on the City of Horace website. The public can send in comments until December 21, 2020.

There will be another virtual input meeting video posted on the City's website about the connection to Cass Rural Water. Mr. Dahlman explained that he would like to receive all the comments from residents back before the cost share application will be sent to the State Water Commission. The City will also be exploring other funding options. Mayor Peterson asked what the timeline for the project is? Mr. Dahlman anticipated that the projects will be completed in November 2021.

Mayor Peterson asked if the water rate increases should be delayed by six months? Mr. Holper replied that Council can decide to delay the rate increase by six months. The first rate increase was scheduled for January 1, 2021. Delaying the first increase by six months would postpone it to July 2021. The second increase could be scheduled closer to the completion of the water projects. It will be important to mirror Cass Rural Water rate once the connection is working and Horace residents start receiving Cass Rural Water. Councilmember Fenelon added that it will be clearer closer to the completion date how much the projects will cost and how much funding the City will be able to receive. The City's focus is on being able to pay the cost share with the utility and grants, not with special assessments. Mr. Holper recommended delaying both increases by six months.

Motion: Approve the Delay of Water Rate Increases by 6 Months.

1st Motion: Councilmember Fenelon 2nd Motion: Councilmember Schmidt

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

Agenda Item #18: Sahr CUP - Settlement Agreement I Lukas Croaker, City Attorney

Mr. Croaker presented the Sahr CUP Settlement Agreement and explained that this agreement was directed by City Council. There was a Special City Council meeting on November 18, 2020 regarding the complaint the City filed to prevent Mr. Sahr from installing a wind turbine tower on his property. In the Sahr CUP Settlement Agreement, the City agrees to dismiss the complaint and Mr. Sahr agrees to not erect, construct, maintain, or use the wind turbine tower without obtaining a conditional use permit and/or a building permit form the City. Mr. Sahr has received a copy of this agreement for his review.

Motion: Approve the Sahr CUP - Settlement Agreement.

1st Motion: Councilmember Fenelon2nd Motion: Councilmember Johnson

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

Agenda Item #19: FY2020 Budget Amendment# 2 I Brenton Holper, City Administrator & Becky Streitz, Finance

Mr. Holper explained that only the Highway Fund and Sewer Fund need to be amended. Finance Director Becky Streitz added that the City's other funds are doing well. The sewer fund and the highway



fund are the two funds that will need to be addressed. As projected due to COVID-19, the highway tax distribution revenues are down by approximately \$30,000. The budget amendment would reduce the highway fund from \$170,000 to \$140,000. The City would forgo transferring money into the highway fund and allow the fund to support itself by just the fund balance.

The City's sewer fund is doing well and supporting itself. The second amendment would be establishing a reserve fund of \$20,000 for the year 2020. The reserve fund would establish a fund for emergency needs and it would help the City leverage low interest loans through the State. The goal is to have a years' worth of operating fund set aside.

Motion: Approve the FY2020 Budget Amendment# 2 as Presented by Staff.

1st Motion: Councilmember Schmidt2nd Motion: Councilmember Johnson

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

Agenda Item #20 (moved): Special Assessment Policy Proposal I Brenton Holper, City Administrator

Agenda Item #21: Midwest Inspection Services - Service Agreement I Lukas Croaker, City Attorney

Mr. Croaker presented the Midwest Inspection Service Agreement and explained that the City already had an agreement with Midwest Inspections to conduct commercial building inspections. The City would like to maintain the services of Midwest Inspection Services on a more regular basis for varies inspections in the City. This agreement outlines the responsibilities and the rights of both parties.

Motion: Approve the Midwest Inspection Service Agreement.

1st **Motion:** Councilmember Koerselman **2**nd **Motion:** Councilmember Johnson

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

Agenda Item #22: Christmas Lights I Brenton Holper, City Administrator

Mr. Holper expalined that the City had an opportunity to partner with the Horae Lions Club for additional Christmas lights for the City. The Lions Club paid \$8,500 which is 50% of the total costs of the additional Christmas lights. The Mayor has the authority to move forward with purchases under \$10,000 but Mr. Holper wanted to make sure that the City Council approves.

Motion: Approve Partnering with the Horace Lions Club to Purchase Additional Christmas Lights.

1st Motion: Councilmember Fenelon2nd Motion: Councilmember Koerselman

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

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

- a. The City is working with Ohnstad Twichell's land division to identify areas of Wall Avenue that will need to be purchased between County Road 17 and the bridge for phase 1.
- b. The Clean Water State Revolving Fund's questionnaire is ready for the Mayor's signature. The City applied for various items such as the 76th Avenue sanitary sewer, the 64th Avenue sanitary sewer, manhole rehab, Horseshoe Bend, and the connection to Fargo at 45th Street.



- c. The Transportation Alternative Program Grants were submitted to MetroCOG on Wednesday, December 2, 2020. MetroCOG will score them and submit them to the State Department of Transportation for approval and funding. The City submitted two projects which are the County Road 17 Shared Use Path Phase 3 and the pavement marking and striping on the multimodal yield street on Centre Avenue.
- d. Terra Garden's 3rd Addition district was created during the City Council meeting on November 16, 2020 but the project costs were not submitted at that point. This will be presented to the City Council soon. The project is anticipated to be constructed in the summer of 2021.
- e. Public Works is currently taking wastewater samples from lift station number one for COVID-19 testing to see if COVID-19 is currently present. This is in partnership with the Health Department and NDSU. Staff has been calculating how many residents are contributing to lift station number one
- f. Lakeview Drive and 79/63rd was substantially completed as of November 7, 2020. There will be a few items left to do in the spring such as seeding.
- g. Visto's Industrial was completed.
- h. Cub Creek 1st Addition wrapped for the year except for the 63rd Street sidewalk which will be completed in the spring of 2021.
- i. Maple Lakes Estates continues to lay pipe in the ground and will continue as long as possible. The project is 56% complete.
- j. Southdale Farms 1st Addition was substantially completed. The work that remains will be the lift station startups and light bulbs, but that will be completed as soon as there will be power on site.
- k. Lost River 5th Addition was substantially completed except for the change order work on the pond, which will be done in the spring.
- I. 81st Avenue planned initially to install the storm water main up to the high school tie-in. The contractor decided to keep going because the weather has been cooperating.
- m. Rudd's Addition was completed and accepted.
- n. Meadowlark Park is progressing. It is set to be completed next year.

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

- a. Alternate legal services from Hoff Barry,PA are in place to avoid any conflicts of interests with Ohnstad Twichell. The City is currently working on an agreement with Hoff Barry and will present it to Council when it becomes available.
- b. The City is currently working with Mr. Croaker on a Request for Quote (RFQ) for city engineer services. It will be presented as soon as Council will be ready to review it.
- c. The deadline for proposals for the City's Land Use Ordinances has passed. The City received a total of six responses.
- d. The CARES Act funding was approved by the Cass County Commission. The City will receive CARES Act Dollars from the County which is for the reimbursement of 10-months of law enforcement salaries paid by the City of Horace.



Agenda Item #25: Portfolio Reports

- a. Mayor Peterson explained that the City had meetings with the HBA and the anti-monotony ordinance for planning and zoning was discussed. As of right now, the City will just focus on the rewriting the City of Horace Land Use Ordinances instead.
 Santa Claus will be coming to town on Friday, December 11, 2020. He will be visiting with children at the Horace Senior Center from 2:30pm until 7:00pm. The Lions Club is sponsoring the event. Due to COVID-19, the event will be a drive through event.
- b. Councilmember Koerselman thanked the Lions Club for all that they do for Horace.
- c. Councilmember Fenelon thanked the City of Horace employees for working hard and diligently for the citizens in this community. Now that winter is coming, the public works staff will be working long shifts to keep the snow moving. He asked everyone to be kind and to give them room to work.
- d. Councilmember Johnson said that Councilmember Fenelon and Schmidt work very hard and volunteer their time for everyone. She added that it is unfortunate that they both have to put all this effort into running again but that she appreciates being on the Council with both of them.
- e. Councilmember Schmidt no updates.

Agenda Item #26: Adjourn

Motion: Approve Meeting Adjourn at 9:28 pm. 1st Motion: Councilmember Koerselman 2nd Motion: Councilmember Schmidt

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