



Horace City Council Meeting Minutes

The Horace City Council met on March 1, 2021 @ 6:00 pm at Horace City Hall. Those present were Mayor Kory Peterson, Councilmember Bryan Schmidt, Councilmember Chelsey Johnson, Councilmember David Fenelon, and Councilmember Sarah Veit. Others present included: Brenton Holper, Jim Dahlman, Barrett Voigt, and Lukas Croaker.

Mayor Peterson called the meeting to order at 6:00 pm

The pledge of allegiance was recited.

Agenda Item #3: Approve Regular Agenda Removing Agenda Item #10.

Mayor Peterson explained that agenda item #10 (Southdale Farms Third Addition ID Agreement) will be tabled.

Motion: Approve the Regular Agenda Removing Agenda Item #10.

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. Checks Written for February 2021

Motion: Approve the 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 February 16, 2021

Motion: Approve the City Council Meeting Minutes from February 16, 2021.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Veit

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

Agenda Item #6: Approval of City Council Special Meeting Minutes from February 19, 2021

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

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Johnson

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

Agenda Item #7: Public Comment

Stephanie Landstrom, a Stanley Township resident, inquired about the Horace City Council Special Meeting that took place on February 19, 2021. Mr. Croaker explained that that BR Development sued the City of Horace. The two parties came to a stipulation without prejudice agreement. It was



decided that both parties will cover their own legal fees. BR Development cannot take legal action against the City of Horace for the Cub Creek Assessment again.

Chris Hilt, a resident of the Adelmans Addition, explained that he has standing water on the street in front of his property year-round and that there is no drainage near his property. That has been damage and crumbling concrete because of the standing water. He asked the City Councilmember for a solution. Mr. Dahlman explained that a storm sewer installation was proposed but that the project was too expensive. Mr. Holper explained that he spoke to another Adelman Addition neighbor who proposed an idea on how to solve the problem. Mr. Holper and Mr. Dahlman agreed to have a meeting with the gentleman.

Agenda Item #8: Sheriff's Update | Craig Keller and Thomas Behm, Cass County Sheriff's Department
Deputy Sheriff Ross Krause summarized the 117 calls for service for the month of January. There were no vehicle crashes reported and overall night parking compliance had improved. Deputy Sheriff Krause explained that the reason for the lower average monthly call volume was the extremely cold weather because people tend to stay indoors and at home during extreme temperatures.

Agenda Item #9: Terra Gardens Third Addition Rezone | Barrett Voigt, Community Development Director

Mr. Voigt presented the 2nd reading of the Terra Gardens Third Addition rezone. No comments were received, and no comments were made since the 1st reading. Mr. Voigt recommended approval of the proposed rezone.

Motion: Approve the Terra Gardens Third Addition Rezone as Presented by Staff.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Fenelon

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

Agenda Item #10: (Tabled) Southdale Third Addition ID Agreement | Brenton Holper, City Administrator

Agenda Item #11: Lakeview Addition

a. Rezone 2nd Reading | Barrett Voigt, Community Development Director

Mr. Voigt presented the 2nd reading of the Lakeview Addition rezone. There were changes and no further comments or questions were received since the 1st reading. Mr. Voigt recommended approval of the proposed rezone.

Motion: Approve the Lakeview Addition Rezone as Presented by Staff.

1st Motion: Councilmember Schmidt

2nd Motion: Councilmember Veit

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

b. Resolution Declaring Petition for Improvements | Lukas Croaker, City Attorney

Mr. Croaker explained that the City received a petition for improvements from the Lakeview Addition developer which requests that the City creates an improvement district and funds the improvement through special assessment. The City will not create an improvement district at this time, but the City Council will declare that the City received the petition.



Motion: Approve the Lakeview Addition Resolution Declaring Petition for Improvements as Presented by Staff.

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Johnson

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

Agenda Item #12: Various Zoning Amendments Ordinance No. 2020-16 | Barrett Voigt, Community Development Director

Mr. Voigt presented the 2nd reading of the Various Zoning Amendments Ordinance No. 2020-16. The only change that was made was to section 17.5.3. where a date of enactment was added. In this case, March 1, 2021 will be added if approved. No other changes were made, and no comments or questions were received. Mr. Voigt recommended approval of the Various Zoning Amendments Ordinance No. 2020-16.

Motion: Approve the Various Zoning Amendments Ordinance No. 2020-16 as Presented by Staff.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Fenelon

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

Agenda Item #13: Water Improvement District No. 2020-6 (Horace Proper Water Replacement) | Jim Dahlman, City Engineer

Mr. Dahlman explained the Resolution of the Governing Body for the Water Improvement District No. 2020-6 (Horace Proper Water Replacement). This authorizes the Mayor to file a loan application on behalf of the City of Horace with the North Dakota Department of Environmental Quality under the Clean Water Act and/or the Safe Drinking Water Act. This loan would cover the portion that will not be covered by the State Water Commission (SWC) funding of the project. Water rates will need to be adjusted accordingly to mirror Cass Rural Water rates.

Motion: Approve the Resolution of the Governing Body for the Water Improvement District No. 2020-6 (Horace Proper Water Replacement) as Presented by Staff.

1st Motion: Councilmember Schmidt

2nd Motion: Councilmember Johnson

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

Agenda Item #14: Water Improvement District No. 2020-7 (Connection to Cass Rural) | Jim Dahlman, City Engineer

Mr. Dahlman explained the Resolution of the Governing Body for the Water Improvement District No. 2020-7 (Connection to Cass Rural). This authorizes the Mayor to file a loan application on behalf of the City of Horace with the North Dakota Department of Environmental Quality under the Clean Water Act and/or the Safe Drinking Water Act. This loan would cover the portion that will not be covered by the State Water Commission funding for this project. Water rates will need to be adjusted accordingly to mirror Cass Rural Water rates.

Motion: Approve the Resolution of the Governing Body for the Water Improvement District No. 2020-7 (Connection to Cass Rural) as Presented by Staff.

1st Motion: Councilmember Schmidt

2nd Motion: Councilmember Fenelon

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



Agenda Item #15: New Home Tax Abatement | Brenton Holper, City Administrator

Mr. Holper explained the New Home Tax Abatement. The abatement is a two-year tax abatement for the first \$150,000 valuation of a new construction home. This program was approved by the legislators and has been utilized by the City of Horace for years. Councilmember Fenelon summarized that the City earns approximately \$5,981.00 when a new house is built in Horace through impacts from permit fees, property tax, and sales tax. A new Horace homeowner will save \$816.00 by applying for this abatement.

Motion: Approve the New Home Tax Abatement as Presented by Staff.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Schmidt

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

Agenda Item #16: Mosquito Spraying | Brenton Holper, City Administrator

Mr. Holper explained that every year the City signs an agreement with the vector control company Airborne. Without the agreement, the City would have to wait for approximately two weeks before the FAA gives clearance for an aerial mosquito spraying application. This agreement enables the Council to approve an aerial application without having to wait for flight clearance.

Mr. Holper added that the City prefers to focus on truck-based spraying because aerial spraying does not help residents who live near the river because the treetops block the application. Aerial spraying is also a lot more expensive than truck-based spraying because a single aerial application costs \$9,578.00.

Motion: Approve the Aerial Mosquito Spraying Contract with Airborne Vector Control.

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Veit

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

Agenda Item #20: Engineering/Public Works | Jim Dahlman, City Engineer

- a. Staff applied for State Water Commission (SWC) cost-share funding for the two water projects (Water Improvement District No. 2020-6 and Water Improvement District No. 2020-7). The cost-share for the construction costs would be 75% - 25%. The next SWC meeting will take place on April 8, 2021. The City of Horace was already approved cost-share funding (60%-40%) for the preliminary engineering for the two water projects.
- b. Southdale Farms 3rd Addition will be up for plan review in the next few days.
- c. The drilling for the dewatering wells in Chestnut, Adelman, and Ironwood/Dreamfields is planned for the week of March 1, 2021.
- d. The petition for improvements for the Lakeview Addition was received.
- e. Bids were received by the Horace Park Board on Monday, February 22 for the park in Terra Gardens. The project was awarded to Dirt Dynamics.
- f. The City is working on getting ownership of some right-of-way of Wall Avenue.

Agenda Item #21: City Administrator | Brenton Holper, City Administrator

- a. There will be rapid COVID-19 testing available every Friday in March from 3:00 pm – 7:00 pm at the Horace Fire Hall. It is preferred that people will register online.
- b. The first special election will take place on March 9, 2021 at the Horace Fire Hall.



Agenda Item #22: Portfolio Reports

- a. Mayor Peterson – no update.
- b. Councilmember Veit shared some of the progress that the Planning and Zoning Commission is making on the zoning updates.
- c. Councilmember Fenelon explained that progress is also being made on the Special Assessment Policy.
- d. Councilmember Johnson – no update.
- e. Councilmember Schmidt – no update.

Agenda Item #23: Adjourn

Motion: Approve Meeting Adjourn at 7:12 pm.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Fenelon

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

Next Regular Meeting is **March 15, 2021** at 6:00 pm