



Horace City Council Meeting Minutes

The Horace City Council met on April 5, 2021 @ 6:00 pm at Horace City Hall. Those present were Mayor Kory Peterson, Councilmember Jeffrey Trudeau, Councilmember Chelsey Johnson, Councilmember Naomi Burkland, and Councilmember Sarah Veit. Others present included: Brenton Holper, Jim Dahlman, Barrett Voigt, Lukas Croaker, Keith Asheim and Becky Streitz.

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

The pledge of allegiance was recited.

Agenda Item #3: Approve Regular Agenda

Motion: Approve the Regular Agenda Removing Agenda Item #18 and Moving Agenda Item #19 up to Agenda Item #8.5.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Veit

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 in March 2021

Motion: Approve the Consent Agenda.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

Agenda Item #5: Approval of City Council Meeting Minutes from March 15, 2021

Motion: Approve the City Council Meeting Minutes from March 15, 2021.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Johnson

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

Agenda Item #6: Public Comment

Mr. Bailey asked what the speed limit was on the frontage road in the Industrial Park. Mr. Dahlman responded that the speed limit is 25 mph. Mr. Bailey reported that most vehicles, especially trucks do not conform to the speed limit. The speeding on that road produces a lot of dust. He was also wondering if the City of Horace hopes that all the farmers leave the City and move away, because the way that agricultural properties have been assessed. He voiced his concern about the amounts his parent's property was assessed and that his parents will not be able to pay this off. The Mayor and the City Council ensured Mr. Bailey that they will take his comments into consideration for the next special assessment policy meeting.

Another resident reported that she lives on 72nd Street South and that the construction site in her area started piling dirt onto her property. Mr. Dahlman explained that he was just informed about the issue



on Friday, April 2, 2021, and that Interstate Engineer staff members went to the site and looked at the dirt pile. Mr. Dahlman proposed to meet with her to discuss what can be done and how to resolve the issue.

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

Deputy Ross Krause reported that there were 137 calls for service during the month of March. He added that there were no unusual events and that he encourages residents to reach out to the deputies when they see something suspicious. Councilmember Trudeau asked that Deputy Krause keeps enforcing speed limits, especially during the morning rush hour when kids are trying to get to school. Mayor Peterson requested that speeding on Wall Avenue needs to be enforced as well. Councilmember Veit and Deputy Krause discussed weight restriction enforcement and Councilmember Veit asked Mr. Voigt to inform new developers about the City's vehicle weight restrictions.

Agenda Item #8: 407 Nelson Drive Code Enforcement | Barrett Voigt, Community Development Director

Mr. Voigt summarized the 407 Nelson Drive Code Enforcement and explained that staff had received a complaint about the materials and junk that were stored all around the property. Staff investigated and concluded that a City Code violation had occurred. A mitigation effort was unsuccessful, and staff sent two certified letters to the property owner which stated that the nuisance violation would be heard during the City Council meeting on April 5, 2021.

The property owners stated that none of their neighbors ever complained to them. They explained that they make money by scrapping and fixing old lawnmowers. Councilmember Veit said that she drove by the property earlier during the day and that it looked cleaned up.

The owners asked the Council if they could raise the fence on the west side of the property to shield the noise that occurs from patrons during the warmer months in the bar's parking lot. Mr. Voigt stated that the Council would need to decide what action to take. Mr. Croaker explained that the scrapping is not allowed in the property's zoning but that a conditional use permit could be granted. The Mayor and the Council decided to table the issue to find a solution.

Motion: No action was taken.

Agenda Item #8.5: (agenda item#19 was moved up) Certificate of Name Change | Barrett Voigt, Community Development Director

Mr. Voigt explained that during the application review of the Horace Elementary First Addition plat application, it was discovered that Horace Elementary had an address tied to a non-existent "Third Avenue." All the other surrounding properties located in the Arneson First Addition and Anderson Addition replat were addressed to Ironwood Drive and Chestnut Drive.

To address this issue and clean up records, staff submitted a request to the City Council to approve a resolution authorizing a Certificate of Name Change to change the street names from First Avenue North to Ironwood Drive, 2nd Street W. to Ironwood Drive, 3rd Street. W. to Ironwood Drive, and 3rd Avenue N. to Chestnut Drive. None of the current residents will be affected by the name change because the streets they live on are already named Ironwood and Chestnut Drive. The Horace Elementary School is the only property effected by the street name changes.

Motion: Approve the Certificate of Name Change as Presented by Staff.



1st Motion: Councilmember Burkland

2nd Motion: Councilmember Veit

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

Agenda Item #9: Water, Sewer, Storm, and Street ID No. 2021-3 (Lakeview Addition) | Jim Dahlman, City Engineer

Mr. Dahlman presented the Water, Sewer, Storm, and Street ID No. 2021-3 (Lakeview Addition) engineer's report which documents the existing conditions, the proposed improvements, and the anticipated project costs. The developer's engineer estimated that the cost of the project will be around \$8.5M. The project costs will be assessed to the benefitting properties. The improvements were requested by the developer.

Councilmember Burkland asked if the shop buildings in the strip mall would be included in the assessed area. Mr. Dahlman responded that the area will be included but only for the stormwater improvement. The agricultural land that is included in the district boundary map belongs to the developer. The Council decided to combine the motions for approving the engineer's report and approving the resolution directing the engineer to prepare plans and specifications.

Motion: Approve the Water, Sewer, Storm, and Street ID No. 2021-3 (Lakeview Addition) Engineer's Report and Direct the Engineer to Prepare Plans and Specifications.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

Agenda Item #10: Water, Sewer, Storm and Street ID No. 2021-1 (Southdale Farms Third Addition) | Jim Dahlman, City Engineer

Mr. Dahlman presented the Water, Sewer, Storm and Street ID No. 2021-1 (Southdale Farms Third Addition) engineer's report and the resolution authorizing the auditor to advertise for bids. City Staff reviewed the engineer's report and changes were made by the developer as requested by staff. Mr. Dahlman proceeded to summarize the project to the Council. He added that the opening bids for the Water, Sewer, Storm and Street ID No. 2021-1 (Southdale Farms Third Addition) are scheduled for April 27, 2021. The planned construction start date will be in the end of May or the beginning of June. The Council decided to combine the motions for approving the engineer's report and approving the resolution directing the auditor to advertise for bids.

Motion: Approve the Water, Sewer, Storm, and Street ID No. 2021-3 (Lakeview Addition) Engineer's Report and Direct the Auditor to Advertise for Bids.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

Agenda Item #11: Plan Review Ordinance | Brenton Holper, City Administrator

Mr. Holper presented the second reading of the Plan Review Ordinance. The first reading took place on March 15, 2021. No comments or questions were received and no changes were made.

Motion: Approve Plan Review Ordinance as Presented by Staff.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Johnson

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



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

Mr. Holper explained the Resolution of Fees for residential and commercial properties. The fee for a plan review was set at 65% of the building permit cost. Mr. Holper suggested to lower that fee to 35% so that costs for new structures including decks will be cheaper for homebuilders. Mr. Holper proceeded to summarize the additional adjustments that were made to the fees.

Motion: Approve the Resolution of Fees as Presented by Staff.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

Agenda Item #13: Sanitary Sewer Improvement District No. 2021-4 (Lift Station SA-14) | Jim Dahlman, City Engineer

Mr. Dahlman presented the Sanitary Sewer Improvement District No. 2021-4 (Lift Station SA-14) and explained the reason this new lift station is necessary. The plan is to install the lift station deeper into the ground and below Drain 27. The long-term goal is to connect the new lift station to the Sanitary Sewer Line to Fargo (SSL Fargo). Mr. Dahlman requested that the Council approve the resolution to prepare the engineer's report to keep this project on schedule.

Motion: Approve the Water, Sewer, Storm, and Street Improvement District No. 2021-4 and Direct the Engineer to Prepare the Engineer's Report.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Veit

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

Agenda Item #14: Diversion Authority SE-1 Flood Plain Development Permit | Jim Dahlman, City Engineer

Mr. Dahlman presented the Diversion Authority SE-1 Flood Plain Development Permit and explained that the FM Diversion Authority had applied for a permit. He summarized the FM Diversion construction project and added that the permit will allow them to work in the flood plain. The permit will be free, but staff will monitor how many permits will be needed in the future. Mr. Holper explained that staff will record how much time the engineers will spend reviewing the applications and will determine after six months if a fee will be charged for permit application reviews.

Motion: Approve the Diversion Authority SE-1 Flood Plain Development Permit.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Burkland

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

Agenda Item #15: MetroCOG Policy Board Representation | Brenton Holper, City Administrator

Mr. Holper explained that that the City Council needs to appoint a representative for MetroCOG Policy Board. He summarized what MetroCOG does, and that the Horace representative would attend their monthly meetings. Mr. Holper recommended Councilmember Trudeau for the position because he manages the City's infrastructure portfolio. Councilmember Johnson would remain in the position of the alternate representative.



Motion: Approve Councilmember Trudeau as the MetroCOG Policy Board Representation and Keep Councilmember Johnson as the Alternate MetroCOG Policy Board Representation.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

Agenda Item #16: Water, Sewer, Storm and Street ID No. 2020-4 (Lost River Fifth Addition) | Jim Dahlman, City Engineer

Mr. Dahlman presented the Water, Sewer, Storm and Street ID No. 2020-4 (Lost River Fifth Addition) change order No. 2 for an increase of \$134,000.94. The change order will cover the costs for the lighting and landscaping features for the storm water pond in the Lost River Fifth Addition. The developer requested the changes to the storm water pond. The costs for the change order will be added to the specials to the future property owners in the Lost River subdivision.

Councilmember Veit asked if the change order No. 2 was requested for changes in material. Mr. Dahlman confirmed that the lighting fixtures and landscaping features will be updated. Mr. Dahlman concluded that the cost increase will be covered by the construction contingency plan.

A representative of the developer explained that the increased costs will not affect the specials that will be assessed to the residents because it was already accounted for.

Motion: Approve the Water, Sewer, Storm and Street ID No. 2020-4 (Lost River Fifth Addition) Change Order No. 2 as Presented by Staff.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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

Agenda Item #17: Special Assessment Policy Update | Brenton Holper, City Administrator & Jim Dahlman, City Engineer

Mr. Holper summarized the meetings that took place for creating the Special Assessment Policy which included one public and three policy committee meetings so far. The committee worked on distinguishing the different types of special assessments projects for new and existing neighborhoods. The next committee meeting will take place on April 8, 2021.

Mr. Dahlman added that the big component of the new policy is finding a solution on how to assess agricultural land which ties in with the concern of resident Mr. Bailey, who spoke during the public comment section. Mr. Holper explained that staff will make sure that the notice letters for the next public meeting will go out early to ensure that the public is informed ahead of time.

Agenda Item #18: (Removed from the Agenda) Special Assessment Changes - Terra Gardens 2nd Addition | Becky Streitz, Finance Director

Agenda Item #19: (Moved up to Agenda Item# 8.5) Certificate of Name Change | Barrett Voigt, Community Development Director



Agenda Item #20: Chestnut/Ironwood Improvements | Jim Dahlman, City Engineer & Brenton Holper, City Administrator

Mr. Dahlman explained that the Chestnut/Ironwood Improvements project has been brought to the Council numerous times over the past few years. In 2015, there was a proposed project, but it never happened because it was too expensive for the residents of the area.

City staff met with the residents, reviewed records, and determined that the area's improvement needs will not get better over time. There are issues with the storm water pumping station, storm water piping, groundwater, curb and gutter, sanitary sewer, and street deficiencies. Mr. Dahlman explained the reconstruction project that he is proposing and asked the Council if the City of Horace should contribute to the construction costs. Mr. Dahlman and Mr. Holper suggested that the first step would be a public input meeting where residents would be informed about the project, its costs, and the action plan. The Council agreed that getting a cost estimate is needed before deciding if and how much the City would contribute.

Agenda Item #21: Building Inspector & Seasonal Stormwater Inspector Positions | Brenton Holper, City Administrator

Mr. Holper explained that the City would like to add two new positions, one is for a building inspector, the second one would be for a seasonal stormwater inspector. He added that the new building inspector position is needed, because there has been a significant increase in building permits. In March of 2020, there were 6 new single family building permit applications. In March of 2021, there were 91 new single family building permit applications. Building inspections are backlogged about two weeks. Mr. Holper explained that the revenue generated by the building permits will pay for cost of the new staff positions. Mr. Holper explained why a seasonal storm water inspector is needed and added that the person will also help with public works tasks such as mowing.

Motion: Approve the Building Inspector & Seasonal Stormwater Inspector Positions as Presented by Staff.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

Agenda Item #22: Records Disposal | Becky Streitz, Finance Director

Ms. Streitz asked for approval from the City Council to destroy old accounting records and explained that the City of Horace has stored old records dating back to the 1990s. There are boxes filled with accounts payable, payroll records, old invoices etc. that were helpful during the audits for 2018 and 2019, but the documents are not needed anymore. According to the North Dakota IT Records Management Program, files from the current fiscal year plus four years and six years of payroll need to be kept. Ms. Streitz recommended destroying all kept records from before 2014 by using a commercial shredding company.

Motion: Approve Records Disposal as Requested by Staff

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

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

a. Southdale Farms Third Addition is currently out for bids.



- b. The plans for the Lakeview Addition are being prepared for the plan review.
- c. The City is preparing for the State Water Commission (SWC) meeting in June, because the City has applied for cost-share funding for the two Horace water projects.
- d. Mr. Foertsch of Interstate Engineering invited the City Council to their new office space at 574 Main Street in Horace.

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

- a. Attorneys are working on the Cass County Electric Franchise Agreement and the plan is to present the agreement to the City Council in the next four weeks.
- b. There were four different COVID-19 rapid testing events in the month of March that took place at the Fire Hall Event Center. A total of 22 People participated, and all tests were negative.
- c. Street sweeping in Horace took place on March 25 and 26, 2021. Additional touch-up work was done on March 30, 2021 because of the strong winds that occurred. Residents might see street sweepers throughout the next few weeks because of construction dirt being blown around the area.
- d. Staff is looking into helping residents with home improvements with a rebate program or a low interest rate. Mr. Holper will have a meeting with the City's bank to see what is possible. This would be geared towards home improvements such as new windows, siding, etc.

Agenda Item #25: Portfolio Reports

- e. Mayor Peterson – no update.
- f. Councilmember Veit – no update.
- g. Councilmember Burkland thanked the volunteers, the City staff, the Horace Fire Department, the Horace Park Department, and the Deputies who helped during the first annual Easter Egg Hunt on April 3, 2021 in Freed Park. It was a great event and Councilmember Burkland added that she welcomes any ideas for next year's egg hunt.
- h. Councilmember Johnson – no update.
- i. Councilmember Trudeau explained that he is involved in the development of the Special Assessment Policy and that the policy committee meetings will take place on April 8, 2021 and on April 15, 2021.

Agenda Item #26: Adjourn

Motion: Approve Meeting Adjourn at 8:32 pm.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Veit

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

Next Regular Meeting is **April 19, 2021** at 6:00 pm