



Horace City Council Meeting Minutes Summary

The Horace City Council met on May 17, 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, and Lukas Croaker.

Mayor Peterson called the meeting to order at 6:02 pm

The pledge of allegiance was recited.

Agenda Item #3: Approve Regular Agenda

Motion: Approve the Regular Agenda Removing Agenda Item# 17 and Changing Agenda Item# 12 to a Discussion Only Item.

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. Pledge Reports

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 May 3, 2021

Motion: Approve the City Council Meeting Minutes from May 3, 2021.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

Agenda Item #6: Approval of City Council Meeting Minutes from May 6, 2021

Motion: Approve the City Council Meeting Minutes from May 6, 2021.

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Trudeau

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

Agenda Item #7: Public Comment

None.

Agenda Item #8: Sheriff's Update | Ross Krause/Craig Keller, Cass County Sheriff's Department

The next update will be presented during the City Council meeting on June 7, 2021.



Agenda Item #9: Certification of Special Election Results | Michael Montplaisir, Cass County Finance Director

Mr. Holper summarized the results from the Horace Special Election that took place on April 20, 2021. The County's election representative, DeAnn Buckhouse, explained that two absentee ballots were sent by mail and postmarked correctly but arrived after the election date. Ms. Buckhouse asked the Mayor and the Council to compare the signatures on the front and back of the two ballots to make sure that they match. The two votes were casted for Derick Johnson but did not change the overall election results. Sarah Veit received a total of 220 votes and Derek Johnson received a total of 182 votes. Sarah Veit won the election and the City Council certified the election results.

Motion: Move to Certify the April 20, 2021 Special Election Results.

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Johnson

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

Agenda Item #10: Oath of Office for the Recently Elected City Councilmember | Brenton Holper, City Administrator

Sarah Veit recited and signed the Oath of Office. The document was notarized by Lukas Croaker.

Action taken: None.

Agenda Item #11: (Tabled) Deer Creek Estates Addition | Barrett Voigt, Community Development Director & Lukas Croaker, City Attorney – Applicant Requested Item to be Tabled until June 7, 2021.

Agenda Item #12: WSST. ID No. 2021-3 (Lakeview Addition) ID Agreement | Brenton Holper, City

Mr. Holper explained that a letter of credit must be provided by every developer for 75% of the total construction costs of each planned development. Mr. Croaker added that the soft costs were included in prior ID agreements which were added to the letter of credit. The Lakeview Addition developer requested that the letter of credit would only cover the construction costs and not the soft costs. Developers have approached the City to lower the letter of credit from 75% to 50% but the Council decided that they will keep it at 75% and discuss this matter again later this fall. Mr. Croaker explained that letters of credit are needed for bonding and will cover the City financially if a development fails.

Action taken: None.

Agenda Item #13: Rud's Second Addition | Lukas Croaker, City Attorney

Mr. Croaker presented the second reading of the Rud's Second Addition. Mr. Voigt added that staff realized that the signed plat was a vicinity map which did not include an easement. Mr. Voigt explained that page two of the plat document included the easement and that both documents would be recorded.

Motion: Approve the Rud's Second Addition with the Removal of the PC Condition.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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



Agenda Item #14: Vistos Industrial | Barrett Voigt, Community Development Director & Lukas Croaker, City Attorney

Mr. Voigt presented the Conditional Use Permit Application for Outdoor Concepts, LLC which is located in the Vistos Industrial Addition. The applicant proposed a commercial office building for a concrete company with a shop in the back where material preparation, truck cleaning, and storage of vehicles with sensitive electronics would take place. In addition, the applicant proposed to store lumber, pickup trucks, and contractor trailers outside of the building in a proposed contractor yard area of 20,475 square feet. Mr. Voigt added that the applicant would need a conditional use permit for the proposed layout.

Mayor Peterson opened the public hearing at 6:35pm. No comments or questions were received. Mayor Peterson closed the public hearing at 6:36pm. The Council discussed the planned building and parking area.

Motion: Approve the Conditional Use Permit for Outdoor Concepts, LLC as Presented by Staff.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

Mr. Voigt presented the Conditional Use Permit Application for EAV Family Holdings which is located in the Vistos Industrial Addition. The applicant proposed a commercial office building for a siding company with a 30 X 32-foot shop in the back where light bending of siding material activities would take place. In addition, the applicant proposed to park a couple of the company trailers outside of the building in a proposed contractor yard area of approximately 2,998 square feet. Mr. Voigt added that the applicant would need a conditional use permit for the proposed layout.

Mayor Peterson opened the public hearing at 6:45pm. No comments or questions were received.

Mayor Peterson closed the public hearing at 6:45pm.

Motion: Approve the Conditional Use Permit for EAV Family Holdings as Presented by Staff.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

Agenda Item #15: WSSSt. ID No. 2021-2 (Terra Gardens 3rd Addition) | Brenton Holper, City Administrator & Lukas Croaker

Mr. Croaker explained that all lots of the Terra Gardens 3rd Addition were sold. The developer requested that the letter of credit would be provided by the new owner. The developer additionally requested a couple of minor revisions to the agreement (specifically section 9). Section 9 in the agreement talks about developer's obligation which states that if there is a default on the lots that the City can pull funds from the letter of credit. The wording would be changed from developer to owner. The same applies for section 17 (the maintenance of the property section) which will be maintained by the owner not by the developer. Both the developer and the owner will sign the agreement.

Motion: Approve the WSSSt. ID No. 2021-2 (Terra Gardens 3rd Addition) ID Agreement with the Agreed Changes to Section 9 and Section 17 as Presented by Staff.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Johnson

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



Motion: Approve the WSSSt. ID No. 2021-2 (Terra Gardens 3rd Addition) Plans and Specifications.

Mr. Dahlman presented the WSSSt. ID No. 2021-2 (Terra Gardens 3rd Addition) Plans and Specifications. The plans and specifications were provided by the developer and reviewed by the City Engineer and the Public Works Department. A few minor revisions were made.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

Motion: Authorize the Auditor to Advertise for Bids for the WSSSt. ID No. 2021-2 (Terra Gardens 3rd Addition).

Mr. Dahlman explained that the next step in the project would be authorizing the auditor to advertise for bids for the WSSSt. ID No. 2021-2 (Terra Gardens 3rd Addition).

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

Agenda Item #16: Terra Gardens 2nd Addition Special Assessments Correction | Brenton Holper, City Administrator

Mr. Holper presented the Terra Gardens 2nd Addition Special Assessments Correction. When the City certified the special assessments for the Terra Gardens 1st Addition, the plat for the 2nd Addition was not created yet. The specials for the 2nd Addition were calculated much lower (only around \$3,000 instead of \$30,000). The developer would like to reallocate the specials to the correct amounts. The developer sent letters to the 18-property owners in the Terra Garden 2nd Addition. 16 of them have responded that they will accept the special assessment reallocations. Councilmember Veit said that the two property owners who have not agreed to the reallocation will need to be contacted again. Mr. Holper recommended that a certified letter to both residents would be sent to make sure that the communication was received. Mr. Holper concluded that he will work with Mr. Croaker on writing a letter and asked the two residents to respond before the next City Council meeting on June 7, 2021.

Action taken: None.

Agenda Item #16b: Terra Gardens First Addition Letter of Credit | Brenton Holper, City Administrator

Mr. Holper explained that the developer of the Terra Gardens 1st Addition requested to reduce the letter of credit requirement. Mr. Croaker added that the developer requested that any costs that were tied to the 1st Addition improvements which were allocated the land that is now the 3rd Addition would be taken off the letter of credit requirement, because the 3rd Addition will have a new letter of credit. Staff recommended approval of the request.

Motion: Accept that the Terra Gardens' Developer Can Exclude the Letter of Credit Coverage from the Terra Gardens First Addition where Terra Gardens Third Addition Covers.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

Agenda Item #17 (Removed): West Fargo School Second Addition – Plat | Lukas Croaker, City Attorney & Jim Dahlman, City Engineer



Agenda Item #18: FY 2022 Budget Goals/Expectations | Brenton Holper, City Administrator

Mr. Holper presented the FY 2022 Budget Goals/Expectations and explained that he is looking for feedback from the Council. Areas staff is looking into for the draft FY 2022 Budget include: additional deputy coverage, additional staff (Public Works and Building Inspections), additional vehicles and a material storage building (primarily salt storage). Mayor Peterson concurred that staff might also be necessary which means the City Hall chamber might be turned into offices. He also noted that more community events will require additional funds to be dedicated. Mr. Holper concluded that the staff's goal is to keep the mill rate the same.

Agenda Item #19: Water Improvement District No. 2020-6 (Horace Proper Water Replacement) | Jim Dahlman, City Engineer

Mr. Dahlman summarized the Water Improvement District No. 2020-6 (Horace Proper Water Replacement) Preliminary Engineering Report/Facility Plan.

Motion: Approve the Preliminary Engineering Report/Facility Plan for the Water Improvement District No. 2020-6 (Horace Proper Water Replacement) as Presented by Staff.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

Motion: Direct the Engineer to Prepare the Plans and Specifications for the No. 2020-6 (Horace Proper Water Replacement) as Presented by Staff.

Mr. Dahlman explained that the next step would be to direct the engineer to prepare the plans and specification for No. 2020-6 (Horace Proper Water Replacement) project.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

Mr. Dahlman updated the City Council on the No. 2020-6 (Horace Proper Water Replacement) project. He explained that the next State Water Commission meeting will take place on June 8, 2021.

Agenda Item #20: Vendor Stand License Application – Jesse Frolek (Uncle Jesse's Produce) | Brenton Holper, City Administrator

Mr. Holper explained that any time a vendor wants to the sell food or goods within the Horace city limits, the vendor will need to apply for a food truck/vendor license. Jesse Frolek from Uncle Jesse's Produce applied for a permit for a weekly produce stand. The City will post the days, times, and location of Uncle Jesse's Produce as soon as it is available on Facebook and the City's website. By ordinance, the City Council must approve each food truck/vendor license application which cost \$25.00 per year.

Motion: Approve the Vendor Stand License Permit for Uncle Jesse's Produce.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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

Agenda Item #21: Temporary Noise Exemption – 619 Willow Court | Brenton Holper, City



Administrator

Mr. Holper explained that a Horace resident contacted him about organizing an acoustic concert on his property on Friday, July 2, 2021 that will end around 10:00 pm that night. The residents explained that he also informed all his neighbors about the planned party. Mayor Peterson and the Council agreed that they are very pleased that the resident informed the neighbors and asked for the City's approval.

Motion: Approve the Temporary Noise Exemption for 619 Willow Court.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Veit

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

Agenda Item #22: Street Closure Requests | Brenton Holper, City Administrator

Mr. Holper presented several street closures requests.

Big Erv's would like to have a concert on June 18, 2021. For the concert, the owner would like to close a section of County Rd. 17 from 9:00 pm to 12:30 am. County Rd. 17 belongs to the County, so staff will send a letter to the County requesting the temporary street closure.

Staff will additionally send a street closure request to the County for Bean Days on August 27 and August 28.

Another street closure request was received from a Prairie View Development resident for a block party on Saturday, June 12, 2021. Mayor Peterson and Council said that they encourage block parties and like seeing neighbors getting together.

Motion: Approve the Street Closure Requests for Big Erv's, Resident in Prairie View, and Bean Days as Presented by Staff.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

Agenda Item #23: Community Development Update | Barrett Voigt, Community Development Director

Mr. Voigt explained that the City's new Zoning Code Ordinance hit some milestones and that the consultants who are working on the project asked for public input from Horace residents. The consultants prepared a survey which has been posted on the City's website.

Mayor Peterson suggested that staff posts info about the survey every week on the City's Facebook page. Mr. Voigt concluded that the results of the survey will be presented on June 29, 2021 and that the survey will be live until then.

Agenda Item #24: Engineering/Public Works | Jim Dahlman, City Engineer

- a. A resident of the Old Oxbow area approached the City about the drainage project that was happening in his neighborhood. The resident asked for more information and Mr. Dahlman met with him and seven other residents from the area, three residents missed the meeting. Five of the residents who attended the meeting were against the project because they would like to keep the grass in the ditch instead of the planned concrete lining. The group met with the contractor and are working on finding a different solution for the drainage problems.
- b. The first concrete was poured on 82nd Street near the Horace High School and a third of the road has been constructed. The second concrete pour will take place on May 18, 2021.
- c. The underground work for Southdale Farms Third Addition has started.



Agenda Item #25: City Administrator | Brenton Holper, City Administrator

- a. Mr. Holper summarized all the grants that the City of Horace has received in the past three years. The City received a media grant to redesign its logo, it also received a grant for its Comprehensive Plan 2045. The Veterans Boulevard Corridor Study was paid for with federal money and the 76th Avenue Corridor study also received federal money. The City was able to work with the Horace Lions Club to pay for the City's Christmas lights, the high school graduation banners, and new American flags. The bike paths alongside County Rd. 17 phase one received a state grant, so did the second phase of the bike path which will be constructed in 2022. The third phase of the bike path extending north of the roundabout received grant money recently and will be constructed in 2023. The City received additional funding for a multi-module improvement project on Center Avenue between Freed Park and the Horace Senior Center. A safer pedestrian walkway is planned for the Center Avenue area.
- b. Mr. Holper updated the Council on building permits.
- c. The City's new Communications Specialist started working on May 17, 2021. The new building inspector will start working on May 24, 2021. The Council discussed building permits and asked that the building inspectors communicate how long each building permit will take.

Agenda Item #26: Portfolio Reports

- a. Mayor Peterson reported that he is on the advisory committee of the Statewide Active and Public Transportation Committee. The Committee advocates walking paths, sidewalks, and statewide bike paths. As Horace keeps growing, Mayor Peterson would like to see more sidewalks installed (on Wall Avenue for example) so that residents will not have to walk on the road and be unsafe. Mayor Peterson will continue to have discussions with the Statewide Active and Public Transportation Committee to get input on how to make Horace safer. The Lions Club sponsored the new banners of this year's high school graduates. As soon as the banner will be delivered, staff will hang them alongside Main Street. Mayor Peterson added that there might also be a parade for the graduates. Mayor Peterson concluded that staff would continue to monitor the State's potential ban on fireworks this year because of the ongoing dry conditions in the area.
- b. Councilmember Veit asked who issued the current burn ban. Mayor Peterson responded that it is the County that issues burn bans, not the City of Horace. Councilmember Veit reported that she continues to work with the Planning and Zoning Commission. She asked that staff publish an article on how to correctly drive in a 1 ½ roundabout because she continues to get feedback from residents who are scared because some drivers do not seem to know how to merge correctly. She explained that she continues to work with the Stanley Township residents on the annexation.
- c. Councilmember Burkland – no update.
- d. Councilmember Johnson explained that she was looking forward to working the new Communication Specialist on upcoming events like the Food Fest and Bean Days.
- e. Councilmember Trudeau reported that he attended the meeting with the residents on Maust Way with Mr. Jim Dahlman. He also attended a MetroCOG meeting.



Agenda Item #27: Adjourn

Motion: Approve Meeting Adjourn at 8:36 pm.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Burkland

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

Next Regular Meeting is **June 7, 2021** at 6:00 pm