



Horace City Council Meeting Minutes

The Horace City Council met on June 7, 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, 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

Mayor Peterson announced that agenda item #9 and agenda item #10 were tabled. He added that the public hearings for the Arrowwood Third Addition would take place during the meeting. Agenda items #17 and #18 will be moved up to after agenda item #7.

Motion: Approve the Regular Agenda Tabling Agenda Items #9 and #10 and Moving Agenda Item #17 and #18 to after Agenda Item #7.

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 May 2021
- d. Pledge Reports
- e. Water, Sewer, Storm and Street ID No. 2020-1 (Southdale Farms First Addition)
 - i. Progressive Estimate No. 7 to Dakota Underground Company
- f. Water, Sewer, Storm and Street ID No. 2020-2 (82nd Avenue)
 - i. Progressive Estimate No. 3 to Dakota Underground Company
- g. Water, Sewer, Storm and Street ID No. 2020-4 (Lost River Fifth Addition)
 - i. Progressive Estimate no. 7 to Dakota Underground Company
- h. Sanitary, Storm Sewer, and Street ID No. 2019-01 (Lakeview Drive and 79th Avenue) & Storm Sewer and Street ID No. 2019-3 (63rd Street)
 - i. Progressive Estimate No. 14 to KPH Inc.
- i. Water, Sewer, Storm and Street ID No. 2019-7 (Maple Lake Estates Addition)
 - i. Progressive Estimate No. 9 to KPH Inc.
- j. Water, Sewer, Storm and Street ID No. 2021-1 (Southdale Farms Third Addition)
 - i. Progressive Estimate No. 1 to Dakota Underground Company.
- k. Vacation of Declaration of Restrictive Covenants and Reservation of Public Utility Easements – Lakeview Heights

Motion: Approve the Consent Agenda.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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



Agenda Item #5: Approval of City Council Meeting Minutes from May 17, 2021

Motion: Approve the City Council Meeting Minutes from May 17, 2021.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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

Agenda Item #6: Approval of Special City Council Meeting Minutes from June 1, 2021

Motion: Approve the Special City Council Meeting Minutes from June 1, 2021.

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Johnson

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

Agenda Item #7: Public Comment

John Colvin asked the City Council for a solution to control the dust on Wall Avenue, because the dust created hazardous and dangerous conditions. Mayor Peterson said that dust control would be discussed later during the meeting.

Martin Hochhalter asked that the City Council meetings would be live streamed again on Facebook. If that was not possible, he asked that the videos of the meetings would be posted in a timely fashion on the City's website. He requested an update on the progress of the Special Assessment Policy that was being worked on. He explained that the information was important so that residents could stay informed.

(Moved up) Agenda Item #17 & Agenda Item #17: Wall Avenue Speed Limit Reduction | Jim Dahlman, City Engineer

Mr. Dahlman explained that the current speed limit on Wall Avenue was 25 mph. He added that Councilmember Veit did some speed trials to figure out which speeds created dust on the gravel part of the road and which speeds did not. Mr. Dahlman explained that less dust was produced at 15 mph.

Todd Ellig, the Stanley Township Chair, explained when dust control was used in the past. An audience member asked why the gravel part of Wall Avenue, which belongs to the Stanley Township, could not be given to the City of Horace. Mr. Ellig responded that it was legally not possible but that he hoped that the annexation (of the Fradet's, Lazy A, and West Brook subdivisions) would go through which would include annexing the gravel part of Wall Avenue. He explained that the Township applied dust control last year, but that it rained which turned the road into a muddy slurry.

Mr. Holper presented a map that showed all other gravel roads in Horace. He explained that staff received complaints about dust from all these areas. He recommended that if the City Council wanted the City of Horace to pay for dust control, then all the other gravel roads in town should be considered for dust control. Councilmember Veit asked how much that would cost. Mr. Holper replied that the total for one application of dust control to all gravel roads in Horace would cost \$41,000 - \$55,000.

The City Council discussed different dust control options as well who would pay for the improvement of Wall Avenue (reconstructing and paving the road). Another option besides dust control and reducing the speed on Wall Avenue, would be lowering the weight restrictions of the road. The Council asked staff to work with the Stanley Township representatives and the Cass County Sheriff's department and



to look into reducing the weight restrictions on Wall Avenue which would include making changes to the Horace Overdimensional Vehicle Policy.

The Council decided to reduce the speed limit on Wall Avenue and to apply one application of dust control.

Motion: Approve Lowering the Speed Limit from 25 mph to 15 mph on Wall Avenue (from the bridge over Sheyenne River to 81st Street) and Work with the Township to Install Speed Limit Signage.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

Motion: Approve One Application of Dust Control to the Gravel Parts of Wall Avenue Going out to the Second Entrance to the Lost River Subdivision.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Veit

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

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

Deputy Sheriff Krause summarized the monthly report for the month of May 2021. He noted that a free youth Off-Highway Vehicles OHV safety course for youth ages 12-15 was scheduled for Tuesday, June 8 at 10:00 am at the Horace Lutheran Church. He also explained that the Sheriff's Department received new automated external defibrillator (AEDs) and said that he would bring two of the older models to City Hall.

He explained that once the signage of the new speed limit on Wall Avenue was in place, the deputies could start enforcing it. He said that there was a drug related incident and arrest in Lost River which was called in by a resident. He concluded that the arrest was possible thanks to the resident calling Deputy Sheriff Keller. The City Council discussed that it would be great if the City of Horace would add one or two more deputies to the area which would help with safety in Horace.

Agenda Item #9: (Tabled) Deer Creek Estates Addition | Barrett Voigt, Community Development Director & Lukas Croaker, City Attorney

Agenda Item #10: (Tabled) Arrowwood Third Addition | Lukas Croaker, City Attorney

Mr. Croaker explained that the notices for the public hearings for the plat and rezone for the Arrowwood Third Addition were published in the newspaper and that he would like to proceed with the public hearings during the meeting. Mayor Peterson opened the public hearing at 7:24 pm. Mr. Croaker added that he would like to get a motion from the City Council to continue with the public hearings during the next City Council meeting on June 21, 2021.

Motion: Approve Continuation of the Public Hearings for the Arrowwood Third Addition Plat and Rezone until the next City Council Meeting on June 21, 2021.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Veit

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



Agenda Item #11: Agenda Item #11: Water, Sewer, Storm, and Street ID No. 2021-5 (Arrowwood Third Addition) | Jim Dahlman, CityEngineer & Lukas Croaker, City Attorney

Mr. Dahlman explained that staff received a petition to create an improvement district for the Water, Sewer, Storm, and Street ID No. 2021-5 (Arrowwood Third Addition). The district boundary map was presented to the City Council and Mr. Dahlman added that the special assessments for the development will only be assessed to the new property owners.

Motion: Approve Creating the Improvement District Water, Sewer, Storm, and Street ID No. 2021-5 (Arrowwood Third Addition) as Presented by Staff.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Burkland

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

Mr. Dahlman explained that the next step would be directing the City Engineer to prepare the preliminary engineering report for the ID Water, Sewer, Storm, and Street ID No. 2021-5 (Arrowwood Third Addition).

Motion: Direct the Engineer to Prepare the Preliminary Engineering Report and Preliminary Cost Estimates for the Improvement District Water, Sewer, Storm, and Street ID No. 2021-5 (Arrowwood Third Addition).

1st Motion: Councilmember Veit

2nd Motion: Councilmember Johnson

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

Agenda Item #12: 2021A Temp Bonds – Parameters Resolution | Lukas Croaker, City Attorney

Mr. Croaker presented the 2021A Temp Bonds – Parameters Resolution for the Terra Gardens Third Addition and the Southdale Farms Third Addition. He explained that the document creates a pricing committee that consists of the Mayor and the City Administrator. Both will have the authority to sell the bonds as long as the amount would not exceed \$9,750,000 and the maximum interest charged does not exceed 2%.

Motion: Approve the 2021A Temp Bonds – Parameters Resolution.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

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

Mr. Dahlman presented the Water Improvement District No. 2020-6 (Horace Proper Water Replacement). The bid opening for the above referenced project occurred on May 27th, 2021. Staff received bids from three Contractors: KPH, Inc., Sellin Brothers, Inc., and Dakota Underground, Co. The low bidder was KPH, Inc. with a base bid of \$4,076,485.00. To aid with project funding, cost-share assistance has been requested from the North Dakota State Water Commission (SWC). The project was approved for preliminary engineering cost-share assistance and was added to the June 8th, 2021, SWC meeting agenda for consideration of cost share assistance for the remaining construction costs.



Mr. Dahlman added that liquidated damages were included in the contract in case the construction deadline would not be met. Mr. Dahlman recommended approval contingent on funding by the State Water Commission. Mr. Holper explained that the FM Diversion settlement money that the City of Horace received would be used to pay for the cost-share. The money would be paid back over time from the City's utility fund (paid in by every utility user) which would negate having to take out a loan and allow other projects to be funded by the FM Diversion settlement money.

Motion: Award the Bid of \$4,076,485.00 for the Water Improvement District No. 2020-6 (Horace Proper Water Replacement) to KPH Contingent on Funding.

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Johnson

Action taken: Three in favor, Councilmember Johnson abstained. Motion carried (4-0).

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

Mr. Dahlman summarized the Water Improvement District No. 2020-7 (Connection to Cass Rural) Facility Plan Report and Preliminary Engineering Report. He added that staff was currently working on receiving federal funding for the project.

Mr. Holper explained that if the City chose to use a SRF loan which meant the money would be provided by the State Revolving Loan Fund (SRF) staff needed to have a facility plan and the preliminary engineering report in place. Mr. Dahlman proceeded to list details of the projects itself. If the City of Horace would receive funding from the State Water Commission, the City of Horace would receive 75% of the construction costs. The rest of the construction costs (25%) of the project would then be funded by a State Revolving Fund loan, because the City would not have enough money left to also fund this project.

Motion: Approve the Facility Plan and Preliminary Engineering Report as Presented by Staff.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Johnson

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

Mr. Dahlman explained that the next step was to approve the plans and specifications for the Water Improvement District No. 2020-7 (Connection to Cass Rural).

Motion: Direct the Engineer to Prepare Plans and Specifications for the Water Improvement District No. 2020-7 (Connection to Cass Rural).

1st Motion: Councilmember Veit

2nd Motion: Councilmember Johnson

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

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

Mr. Dahlman explained that the bid opening for the above referenced project was scheduled for Thursday June 3, 2021. Staff received bids from six contractors: Dakota Underground, Co., Fox Underground, Key Contracting, Master Construction, Northern Improvement Co., and Sellin Brothers, Inc. The apparent low bidder was Fox Underground Co. of Fargo, ND with a bid of \$1,799,905.16.



Motion: Approve the Bid in the Amount of \$1,799,905.16 for the WSSSt. ID No. 2021-2 (Terra Gardens Third Addition) to Fox Underground Co. Contingent on the City Receiving the Letter of Credit.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Veit

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

Mr. Dahlman presented the Terra Gardens Third Addition Engineering Services Agreement for Construction Engineering Services.

Motion: Approve the Engineering Services Agreement for Construction Engineering Services for the WSSSt. ID No. 2021-2 (Terra Gardens Third Addition).

1st Motion: Councilmember Veit

2nd Motion: Councilmember Johnson

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

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

Mr. Croaker summarized the Terra Gardens 2nd Addition Special Assessments Correction and explained that two property owners had not responded to the City's correspondence. The City Council directed Mr. Croaker to send the two property owner's letters to request a response regarding the reallocation. Mr. Case, one of the property owners, provided the City with a response stating that he was aware of the reallocation and that he had no concerns. Ms. Fritz, the second property owner, had spoken with the developer but did not respond to Mr. Croaker's letter.

Mr. Holper added that he received a response from Ms. Fritz (which was dropped in the City's drop box) but that it was not signed. Mr. Croaker concluded that the City Council must decide if staff can now open communication with the County to reallocate the specials (the amounts were listed in the letters Mr. Croaker sent).

Motion: Direct the City Staff to Work with Cass County on the Terra Gardens 2nd Addition Special Assessments Reallocations.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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

(Moved up) Agenda Item #17: Wall Avenue Speed Limit Reduction | Jim Dahlman, City Engineer

(Moved up) Agenda Item # 18: Dust Control on Gravel Roads | Brenton Holper, City Administrator

Agenda Item #19: Exemption of Sewer Charges for Irrigation Water Meters | Brenton Holper, City Administrator

Mr. Holper explained that staff received a request from the West Fargo School District for consideration of exemption of sewer charges for irrigation water meters. The school indicated that they have certain water meters that were only tied to water irrigation and not for other purposes. They requested that the irrigation water meters would be exempt from sewer charges.



Motion: Approve the Exemption of Sewer Charges for Irrigation Water Meters for Properties Zoned as Public Facilities.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

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

- a. The majority of the 2020 projects were completed. Southdale First Addition and Lost River Fifth Addition were both 99% completed.
- b. Final punch list items for Lakeview Drive (79th Ave and 81st St) were being worked on.
- c. Southdale Farms Second Addition had a good start because two crews were simultaneously working on the project.
- d. The 81st Ave project was 64% completed. Staff was waiting for the purchase agreement from the Horace Lutheran Church so that the work on the extension of Lakeview Drive could start. The sidewalk and bike path on the north side of the road were scheduled to be constructed during the week of June 7, 2021.
- e. The Lakeview Addition bid opening was scheduled for Thursday, June 17, 2021, and will be presented to the City Council during the next meeting on June 21, 2021.
- f. The design for the Shared Use Path Phase II was being worked on so that it will be ready for construction in 2022.

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

- a. Mr. Holper explained that staff continued to receive signed annexation agreements from the property owners in the Fradet's, Lazy A, and West Brook subdivisions.
- b. Mr. Holper continued to work with the recruitment firm for the City of Horace Finance Director position.
- c. The position of the City's third building inspector was filled. The individual started working on inspections and plan reviews two weeks ago.
- d. Mr. Holper gave a quick update on the City's 2020 audit and added that the audit was scheduled to be completed by the end of June 2021.

Agenda Item #22: Portfolio Reports

- a. Mayor Peterson was invited to the FM Diversion Public Private Partnership (P3) signing on June 18, 2021. He added that the FM Diversion Authority was struggling with purchasing land from property owners in the south and west corridor.
- b. Councilmember Veit explained that she connected with many property owners in the Fradet's, Lazy A, and West Brook subdivisions to discuss the proposed annexation. She hoped that all residents in that area would sign the annexation agreement. She also reported that she had successful meetings with the Planning and Zoning Commission meetings regarding Horace's future land use.
- c. Councilmember Burkland reminded everyone that the City Council cared about the future of Horace and that she hoped that everyone could come with an open mind and understanding when it came to the Council's decisions. She added that the new Councilmembers could not



Change the past but going forward, the new Council would continue to work with the residents.

The Council then discussed how great the new banners of this year's high school graduates along County Road 17 looked.

- d. Councilmember Johnson thanked Councilmember Veit for all the work she did with the residents of the Fradet's, Lazy A, and West Brook subdivisions.
- e. Councilmember Trudeau – no update.

Mayor Peterson mentioned that a parade for the high school graduates might be held in the next two or three weeks.

Agenda Item #27: Adjourn

Motion: Approve Meeting Adjourn at 8:05 pm.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

Next Regular Meeting is scheduled for June 21, at 6:00 pm