



## Horace City Council Meeting Minutes Summary

The Horace City Council met on August 16, 2021 @ 6:00 pm at Horace City Hall. Those present were Mayor Kory Peterson, Councilmember Chelsey Johnson, Councilmember Naomi Burkland, Councilmember Sarah Veit, and Councilmember Jeffrey Trudeau. Others present included: Brenton Holper, Barrett Voigt, Jim Dahlman, and Lukas Croaker.

Mayor Peterson called the meeting to order at 6:01 pm.  
The pledge of allegiance was recited.

### Agenda Item #3: Approve Regular Agenda

**Motion:** Approve the Regular Agenda Removing Agenda Items #4e and #14 and Adding the American Rescue Plan Act (ARPA) Certification for Cities after Agenda Item #19.

**1<sup>st</sup> Motion:** Councilmember Johnson

**2<sup>nd</sup> Motion:** Councilmember Trudeau

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

### Agenda Item #4: Approve Consent Agenda

- a. Vendor Invoices
- b. Balance Sheet & Income Statement
- c. West Fargo School Second Addition – Rezone
  - i. Second Reading
- d. Water, Sewer, Storm and Street Improvement District No. 2020-1 (Southdale Farms Third Addition)
  - i. Change Order No. 1
- e. (Removed) Water, Sewer, Storm and Street Improvement District No. 2019-6 (Cub Creek First Addition)
  - i. Change Order No. 4

**Motion:** Approve the Consent Agenda without Agenda Item #4e.

**1<sup>st</sup> Motion:** Councilmember Veit

**2<sup>nd</sup> Motion:** Councilmember Johnson

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

### Agenda Item #5: Approval of City Council Meeting Minutes from August 2, 2021

**Motion:** Approve the City Council Meeting Minutes from August 2, 2021.

**1<sup>st</sup> Motion:** Councilmember Burkland

**2<sup>nd</sup> Motion:** Councilmember Veit

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

### Agenda Item #6: Approval of the City Council Special Meeting Minutes from August 9, 2021

**Motion:** Approve the City Council Special Meeting Minutes from August 9, 2021.

**1<sup>st</sup> Motion:** Councilmember Johnson

**2<sup>nd</sup> Motion:** Councilmember Trudeau

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



#### **Agenda Item #7: Public Comment**

Horace resident Lanette Weber asked that City staff uses the Horace post office for mailings instead of a Fargo post office (which was used for the Special Assessment Policy Open House event). Using the Horace post office will support business in Horace. She then summarized an incident that happened at her property when a contractor worked in her utility easement to install a natural gas line. She reported that the contractor was working on her property and not just the utility easement. She noted that the City Planner had told the contractor that he could run a natural gas line through her property. Mr. Voigt responded that he never said that. Mayor Peterson asked who the contractor was. Mr. Dahlman said that the contractor was MVP. Mayor Peterson said that staff will find out exactly what happened.

Councilmember stated that she agreed with Ms. Weber that EEDM mailings should be sent from the Horace post office only.

#### **Agenda Item #8: Sheriff's Update | Ross Krause/Craig Keller, Cass County Sheriff's Department & Brenton Holper, City Administrator**

Deputy Sheriff Ross Krause summarized the 156 calls for service during the month of July which included eight calls that were fireworks related. A few of the calls resulted in small fires requiring Horace fire to respond and extinguish. Most residents were enjoying fireworks responsibly. Deputy Krause and Deputy Keller worked together to identify and cite three individuals in rural Horace who were not enjoying fireworks responsibly. The individuals created a mess, and all three of them received a \$500 citation for littering. Deputy Krause added that the Night to Unite event on August 10, 2021, was a success and had a good turnout. The City Council then discussed reckless driving with the Deputy.

#### **Agenda Item #9: Nuisance Abatement – 7820 Wild Rose Way | Barrett Voigt, Community Development Director**

Mr. Voigt explained that a Horace resident complained about the nuisance violations at 7820 Wild Rose Way which included tall grass and building materials that are stored on the empty lot. Mr. Voigt verified the presence of building materials, including lumber, were stored outside of an enclosed structure. Notices were sent to the landowner, but the nuisances were still present on August 16, 2021. Mr. Voigt asked the Council to direct City officials, employees, representatives, and agents to enter the property to abate the nuisances and assess all costs and expenses incurred against the property.

Mayor Peterson tabled the item for a couple of weeks to give the landowner a chance to clean up the property. Councilmember Veit offered to contact the property owners as well to see what can be done to clean the lot up.

#### **Agenda Item #10: Water, Sanitary Sewer, Street & Drainage Improvement District No. 2015-5 (Visto Industrial Additions) | Jim Dahlman, City Engineer**

Mr. Dahlman presented the Street Sign Proposal for the Water, Sanitary Sewer, Street & Drainage Improvement District No. 2015-5 (Visto Industrial Additions). He explained that the industrial park has no street signs and that property owners complained that they are not receiving packages. Street signs were not included in the construction contracts and change orders were already finalized.

Mr. Dahlman solicited quotes to install street signs and received two quotes. The lowest quote was in the amount of \$4475.00 which would be covered by the project's construction contingency.



**Motion:** Motion to Approve Street Sign Proposal for the Water, Sanitary Sewer, Street & Drainage Improvement District No. 2015-5 (Visto Industrial Additions).

**1<sup>st</sup> Motion:** Councilmember Johnson

**2<sup>nd</sup> Motion:** Councilmember Trudeau

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

**Item #11: Water, Sewer, Storm and Street Improvement District No. 2017-1 (Lost River) – Final Pavement Lift | Jim Dahlman, City Engineer**

Mr. Dahlman presented the Water, Sewer, Storm and Street Improvement District No. 2017-1 (Lost River) – Final Pavement Lift. The Lost River First and Second Additions are at 80% built out and eligible for a final asphalt lift and road patching. There would be no additional assessments because the costs were added in during the first assessment. A few miscellaneous street patching projects around Horace will be included to save on costs. The costs for the street patching projects would be separated after the completion.

**Motion:** Approve the Plans and Specifications for the Water, Sewer, Storm and Street Improvement District No. 2017-1 (Lost River) – Final Pavement Lift.

**1<sup>st</sup> Motion:** Councilmember Veit

**2<sup>nd</sup> Motion:** Councilmember Burkland

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

**Motion:** Direct the Auditor to Advertise for Bids for the Water, Sewer, Storm and Street Improvement District No. 2017-1 (Lost River) – Final Pavement Lift.

**1<sup>st</sup> Motion:** Councilmember Johnson

**2<sup>nd</sup> Motion:** Councilmember Burkland

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

**Agenda Item #12: Sanitary Sewer Improvement District No. 2021-6 (Lift Station No. SA-13 Horseshoe Bend) | Jim Dahlman, City Engineer**

Mr. Dahlman presented the Preliminary Engineering Report for the Sanitary Sewer Improvement District No. 2021-6 (Lift Station No. SA-13 Horseshoe Bend). The preliminary assessment showed that approximately \$2,000 per unit would be assessed to cover the \$809,000 project costs. The Council discussed the provided district boundary map and the project.

**Motion:** Approve the Preliminary Engineering Report for the Sanitary Sewer Improvement District No. 2021-6 (Lift Station No. SA-13 Horseshoe Bend).

**1<sup>st</sup> Motion:** Councilmember Johnson

**2<sup>nd</sup> Motion:** Councilmember Trudeau

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

**Motion:** Direct the Engineer to Prepare Plans and Specifications for the Sanitary Sewer Improvement District No. 2021-6 (Lift Station No. SA-13 Horseshoe Bend).

**1<sup>st</sup> Motion:** Councilmember Veit

**2<sup>nd</sup> Motion:** Councilmember Burkland

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



**Motion:** Approve the Plans and Specifications for the Sanitary Sewer Improvement District No. 2021-6 (Lift Station No. SA-13 Horseshoe Bend).

**1<sup>st</sup> Motion:** Councilmember Veit

**2<sup>nd</sup> Motion:** Councilmember Johnson

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

**Motion:** Direct the Auditor to Advertise for Bids for the Sanitary Sewer Improvement District No. 2021-6 (Lift Station No. SA-13 Horseshoe Bend).

**1<sup>st</sup> Motion:** Councilmember Burkland

**2<sup>nd</sup> Motion:** Councilmember Trudeau

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

**Agenda Item #13: Cub Creek Addition | Barrett Voigt, Community Development Director**

Mr. Voigt presented a rezone application for the Cub Creek Addition. He explained that the applicant was seeking a zoning change from A Agricultural to PF Public Facilities for the property legally described at Lot 1, Block 6, Cub Creek Addition for the purpose of future anticipated park development. He added that a retention pond will be part of the lot.

Councilmember Veit expressed concern about a body of water being so close to a park and her fear that kids could drown in the pond. Mr. Voigt suggested a staff discussion to find solutions. Mr. Holper noted that the pond was designed deep enough to provide recreational opportunities such as fishing. The Council agreed that the issue would need to be discussed further with staff. Mayor Peterson opened the public hearing at 6:49 pm. No comments or questions were received, and Mayor Peterson closed the public hearing at 6:50 pm.

**Motion:** Approve the Cub Creek Addition Rezone as Presented by Staff.

**1<sup>st</sup> Motion:** Councilmember Burkland

**2<sup>nd</sup> Motion:** Councilmember Johnson

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

**(Removed) Agenda Item #14: Right of Way Purchase Request – Jim Dew (10501 72<sup>nd</sup> St. S.) | Brenton Holper, City Administrator**

**Agenda Item #15: Maple Lake Estates Second Addition – Plat, Rezone, and Future Land Use Map Amendment | Barrett Voigt, Community Development Director**

Mr. Voigt presented the Maple Lake Estates Second Addition – Plat, Rezone, and Future Land Use Map Amendment. He explained that the applicant was seeking to replat the southwest portion of Maple Lake Estates Addition for the purpose of creating smaller lots and requested a zone change from R-4 Intermediate Density Residential to R-6 High Density Residential for the new lots to accommodate for minimum lot size standards. He added that two neighboring residents attended the planning and zoning meeting and protested the high density and parking availability.

Councilmember Trudeau who lives in the neighboring development noted that he spoke to most adjacent residents and none of them were for the proposed high density. Mr. Voigt said that he forgot to mention that the Planning and Zoning Commission voted to deny the applications. Planning Commission Chair Russ Sahr explained what the difference between the original platted R-4 and the proposed R-6 zoning is. He summarized why the Planning Commission



recommended to deny the applications. The Council discussed the issues with high density developments the developer's representative. Mayor Peterson asked if anyone had comments because the public hearing for the rezone was already opened during a past City Council meeting. Resident Martin Hochhalter raised concern about traffic flow and parking issues due to high density.

The Council continued to discuss the City's residential zoning and new developments in Horace in the future.

**Motion:** Deny the Maple Lake Estates Second Addition Plat Application as Presented by Staff.

**1<sup>st</sup> Motion:** Councilmember Burkland

**2<sup>nd</sup> Motion:** Councilmember Trudeau

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

**Motion:** Deny the Maple Lake Estates Second Addition Rezone Application as Presented by Staff.

**1<sup>st</sup> Motion:** Councilmember Veit

**2<sup>nd</sup> Motion:** Councilmember Johnson

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

**Motion:** Deny the Future Land Use Map Amendment Request.

**1<sup>st</sup> Motion:** Councilmember Trudeau

**2<sup>nd</sup> Motion:** Councilmember Burkland

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

**Agenda Item #16: Future Land Use Map and Comprehensive Plan Amendment | Barrett Voigt, Community Development Director**

Mr. Voigt explained that the Future Land Use Map (FLUM) was adopted by City Council on June 15, 2019. This map is a policy document that is implemented as a guide for future development based on community preferences to allow for different types of development in different geographical locations in the city. He added that the City of Fargo is currently in the process to construct the 64th Ave. S. overpass over Interstate 29 with a future connection to Veterans Boulevard and other improvements in the area.

A recent study by MetroCOG shows an average daily traffic volume on 64th Ave. S. of 12,600 vehicles per day by the year 2035 and 18,700 vehicles per day under a full build out scenario. Because of this shift in traffic patterns and significant investments along 64th Ave. S. in Fargo, staff felt that low density residential land use along this corridor may no longer be an appropriate future land use designation. Staff and the Planning Commission recommended to change the Future Land Use Map designation for various areas along 64th Avenue South, east of County Road 17 from "Suburban", "Compact Development", and Urban to "Intermediate", "Compact Development", and "Mixed Use".

Planning Commissioner Russ Sahr explained how the property owners in the area felt about the proposal. Mayor Peterson opened the public hearing at 7:29 pm. Chris Mack discussed rezoning the land located east below 64th Ave. Matthew Huff, who owns land in the area that he would like to develop, explained that he would like to see some commercial lots along the corridor. He noted that he is trying to find a solution that would work for all property owners involved.



Councilmember Johnson said that the development to the north would probably like a buffer. Mayor Peterson concluded that more research and clarification will be needed regarding all the different land uses that were requested. He would like to have everyone involved on the same page and he suggested to table the conversation. He left the public hearing open.

**Motion:** None taken.

**Agenda Item #17: Certificate of Name Change – Lakeview Drive | Barrett Voigt, Community Development Director**

Mr. Voigt presented the Certificate of Name Change – Lakeview Drive. He explained that on August 2, 2021, the plat of West Fargo School Second Addition was approved by the City Council which included a new segment of Lakeview Drive to connect the existing north-south corridor of Lakeview Drive in Lakeview Heights Third Addition to the recently platted north-south corridor of Lakeview Drive in Lakeview Addition. The City of Horace ordinance requires street names to continue for streets that maintain the same general direction. There is a remaining east-west Lakeview Drive corridor segment that runs from County Road 17 to the high school property that aligns with 81st Ave. S. on the west side of County Road 17. Staff therefore recommended to change the street name from Lakeview Drive to 81st Avenue South.

**Motion:** Approve the Certificate of Name Change to Change the East-West Corridor of Lakeview Drive to 81st Ave. S.

**1<sup>st</sup> Motion:** Councilmember Veit

**2<sup>nd</sup> Motion:** Councilmember Johnson

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

**Agenda Item # 18: WSSSt. ID No. 2021-5 (Arrowwood Third Addition) | Lukas Croaker, City Attorney**

Mr. Croaker explained that he had no update if a decision was made on a fence or berm to screen the planned Arrowwood Third Addition development from the road. The developer's representative, Brian Pattengale, informed the Council that he had done research on the easement's location. He spoke to Cass County Coop who owns the overhead powerline, and they require a 10-foot clearance horizontally and a 12-foot clearance vertically to the powerline. That would mean a 6 to 8 ft. fence height would be acceptable. He then explained what would be possible regarding elevation and placement of the homes and concerns about maintaining the vegetation on a berm.

Mr. Pattengale noted that many cities have a correlating buffer, architectural requirements, and finishes written in their land development code to unify the look of the city. Councilmember Johnson stated that this should be incorporated in Horace's new land use ordinances. Mr. Voigt responded that the comments about these issues from the last City Council meeting were already forwarded to the consultants that are working on the new land use ordinance. The City Council agreed that they would like to have some type of buffer installed that would screen the new development but would also beautify Horace.

**Motion:** None taken.

**Agenda Item # 19: Food Truck Permits | Brenton Holper, City Administrator**

Mr. Holper presented three food truck permit applications from Lupy's Tasty Tacos, Off the Hook Seafood, and Mac Daddy's. The permits will be valid until November 2021 and will allow the food trucks to operate within the City of Horace. Going forward, the food trucks might be setting up in the Fire Hall





parking lot because they will be more visible there than in the Horace Lutheran Church parking lot.

**Motion:** Approve the Food Truck Permit Applications for Lupy's Tasty Tacos, Off the Hook Seafood, and Mac Daddy's.

**1<sup>st</sup> Motion:** Councilmember Burkland

**2<sup>nd</sup> Motion:** Councilmember Trudeau

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

**(Added) Agenda Item # 19b: American Rescue Plan Act (ARPA) Certification for Cities | Brenton Holper, City Administrator**

Mr. Holper presented the American Rescue Plan Act (ARPA) Certification for Cities. Each city in North Dakota is eligible to receive American Rescue Plan Act stimulus dollars. The monies should be spent on water or sewer improvements. The projects need to be planned by 2024 and completed by 2026. The City of Horace will approximately receive \$450,000.

**Motion:** Approve the American Rescue Plan Act (ARPA) Certification for Cities.

**1<sup>st</sup> Motion:** Councilmember Veit

**2<sup>nd</sup> Motion:** Councilmember Johnson

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

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

- a. The Connection to Cass Rural Water Project was approved for a 75% cost-share from the State Water Commission. Key Contracting already ordered the necessary the meter pit. The delivery of the meter pit will determine the completion date of the entire project.
- b. The notice to proceed was issued for the Water Line Replacement Project. The contractor has not accepted the notice to proceed because the contractor requested an additional 90 days be added to the contract. Mr. Dahlman said that he would look into it because he just received the request from the contractor.
- c. The Chestnut Street Repair Project will start with street patching during the fall and a street rehabilitation which would begin in the spring or summer of 2022.
- d. A final walkthrough of the Maple Lakes Addition took place on August 6, 2021.
- e. Staff is working on getting quotes for a manhole lining project and will present them to the City Council soon.

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

- a. Mr. Holper reminded the Council about the upcoming North Dakota League of Cities Annual Conference which will take place in Bismarck. He asked that the Councilmembers let him know if they will be able to participate.
- b. The audit will be presented during the next City Council meeting on September 7, 2021.
- c. The Class Clay Community Land Trust will purchase a property close to City Hall. The building would be demolished, and a new affordable home would be built by a nonprofit group.
- d. Mr. Holper met with First International Bank to discuss possible home improvement funding options for residents.
- e. Mosquito count numbers have gone up and staff is considering spraying the area soon, weather permitting.
- f. A joint meeting with the WF School District and the Horace City Council is currently being planned. The agenda will be sent to the City Council soon.



#### **Agenda Item #22: Portfolio Reports**

- a. Mayor Peterson explained that the official Census numbers were released. In 2020, the City of Horace reached a total population of 3085 residents which is an increase of 655 additional residents since 2010.
- b. Councilmember Veit asked to get an update about the current annexation procedure and what the timeline was. Mr. Croaker updated Councilmember Veit but did not know the future timeline. Councilmember Veit explained that a resident on Memory Lane asked if she could keep chickens, bees, and plant a flat laying grass that would not require mowing. Councilmember Veit said that she would like to discuss this further with the Council offline. She also reminded everyone that schools were about to start, and drivers should slow down because there children will be traveling to schools.
- c. Councilmember Burkland stated that she is excited about the upcoming Bean Days. She thanked the Communication Specialist for the hard work she did planning the festivities. She reminded everyone who would like to sign up for events or participate in the parade to visit the Horace Bean Days website ([horacebeandays.com](http://horacebeandays.com)). She explained that she joined a meeting with the Mayor, the City Administrator, a Cass County representative, and a Diversion Authority representative to discuss adding additional law enforcement to Horace. More discussions will be held to be prepared for the future and to plan accordingly.
- d. Councilmember Johnson – no update.
- e. Councilmember Trudeau – no update.

#### **Agenda Item #23: Adjourn**

**Motion:** Approve Meeting Adjourn at 8:48 pm.

**1st Motion:** Councilmember Johnson

**2nd Motion:** Councilmember Veit

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

The next Horace City Council meeting is scheduled for **Tuesday, September 7, 2021, at 6:00 pm**