

## Horace City Council Meeting Minutes

The Horace City Council met on **February 4, 2019** at 6pm at City Hall. Those present were Kory Peterson, Dave Fenelon, Chelsey Johnson. Bryan Schmidt. John Koerselman was absent.

The Pledge of Allegiance was recited.

Mayor Peterson called the meeting to order.

The Regular Agenda was approved by first motion Councilmember Schmidt and second motion by Councilmember Johnson. All in favor; none opposed; motion carried.

The Consent Agenda was approved by first motion Councilmember Johnson and second motion by Councilmember Schmidt. All in favor; none opposed; motion carried.

The Meeting Minutes from January 22, 2019 was approved by first motion Councilmember Fenelon and second motion by Councilmember Schmidt. All in favor; none opposed; motion carried.

The Special Meeting Minutes from January 23, 2019 was approved with a change to remove Councilmember Koerselman as present and correct that agenda item title. Councilmember Schmidt made the first motion to approve the special meeting minutes from January 23, 2019 as proposed with revisions. Councilmember Johnson provided the second motion. All in favor; none opposed; motion carried.

**Public Comment:** Mr. Gronlie, expressed concerns regarding the City's sanitary sewer line connection to Fargo (the SSL project) and the special assessments associated with the project. Mr. Dahlman provided information regarding that the special assessment committee and City Council based the special assessments by acreage versus per connection.

Mr. Croaker shared that the benefit of the SSL is that residents could more feasibly hook up to the sewer line in the event their septic system fails, or if their neighborhood decides that they would like to connect to the sewer line. The ND Department of Health has the authority to mandate hookups for all residents if it is deemed a health issue and that they are within a specified distance of a sewer line. The City intends to decommission the lagoons and will need to have this connection along with a second connection to fully decommission the lagoons.

Mr. Gronlie requested that a letter be sent out to the properties that will be assessed and have notice of the assessment meetings in the Horace Happenings.

Mr. Brown, expressed concerns regarding the SSL and asked to see how properties were assessed. Mr. Brown also supported Mr. Gronlie's request for a letter to be sent out to the properties that will be assessed and have notice of the assessment meetings in the Horace Happenings.

Mr. Visto shared that he is being assessed for a project that wasn't complete in 2018. He understands the need to pay for the line, but not when for 2018 when the line was not completed.

**Monthly Report | Ross Krause, Deputy Sheriff**

Deputy Krause presented the monthly report and the 2018 yearly report. He called attention to the statistics that show a decrease in incidences from 2017 to 2018.

**West Fargo School Addition | Lukas Croaker, City Attorney**

Mr. Croaker presented the second reading for the rezone from agriculture to public facilities to the West Fargo Schools Addition plat, with a change from Lot 2, Block 2 to Lot 3, Block 2. The rezone as presented was approved as recommended by first motion Councilmember Fenelon and second motion by Councilmember Johnson. All in favor; none opposed; motion carried.

Mr. Croaker presented the final plat for the West Fargo School Addition and recommended to rezone the regional retention pond from agriculture to public facilities as a condition on the final plat. The school requested to maintain ownership on the retention pond until the both schools are constructed so the West Fargo School District could keep the dirt from the pond excavation.

The Public Hearing opened at 6:42 pm.

Mr. Lemer, West Fargo Public Schools Business Manager, confirmed that the school district would maintain ownership of the pond site until the schools were constructed. In addition, he requested that the school district be allowed to draw water from the retention pond for irrigation purposes.

The Public Hearing closed at 6:45 pm.

Mr. Croaker recommended that the final plat for the West Fargo School District have four conditions, which included:

- Rezone of the retention pond site from Agriculture to Public Facilities;
- Southeast Cass Rural Water District approval of drainage to Drain 27;
- An agreement with the Park Board for land dedication be executed; and
- Signing of an updated Developers Agreement.

Councilmember Fenelon made the first motion to approve the West Fargo School District final plat as recommended. Councilmember Schmidt made the second motion. All in favor; none opposed; motion carried.

**Commercial Building Permit Rates | Brenton Holper, City Administrator**

Mr. Holper presented revised building permits rates for commercial construction. These revisions are intended to assure that the City's costs associated with building permits for commercial construction are covered, that the City is competitive with nearby jurisdictions, and that similar rate structure is followed by Horace that is used throughout the F-M Metro. It is important that these rates are reviewed ever one to two years in order to assure that all costs incurred by the City are covered. Councilmember

Fenelon made the first motion to approve the revised commercial building permit rates as presented. Councilmember Schmidt made the second motion. All in favor; none opposed; motion carried.

**Street and Storm Sewer ID No. 2019-2 (76<sup>th</sup> and Roundabout) | Lukas Croaker, City Attorney**

Mr. Croaker opened the Protest Hearing at 7:21 pm and closed it at 7:21 pm; no protests were made.

Mr. Croaker presented the Resolution Declaring Insufficient Protests for the Street and Storm Sewer ID No. 2019-02 (76<sup>th</sup> and Roundabout) project. Councilmember Schmidt made the first motion to approve the Resolution Declaring Insufficient Protests for the Street and Storm Sewer ID No. 2019-02 (76<sup>th</sup> and Roundabout) project. Councilmember Fenelon made the second motion. All in favor; none opposed; motion carried.

Mr. Croaker presented the Resolution Directing the Engineer to prepare Plans & Specifications for the Street and Storm Sewer ID No. 2019-02 (76<sup>th</sup> and Roundabout) project. Councilmember Schmidt made the first motion to approve Resolution Directing the Engineer to prepare Plans and Specifications for the Street and Storm Sewer ID No. 2019-02 (76<sup>th</sup> and Roundabout) project as presented. Councilmember Fenelon made the second motion. All in favor; none opposed; motion carried.

Mr. Croaker presented a Joint Powers Agreement with Cass County for the Street and Storm Sewer ID No. 2019-02 (76<sup>th</sup> and Roundabout) project. The Cass County Commission requested that the language referring to their financial contribution for the construction of the project to state no more than \$1,000,000 instead of no less than \$1,000,000. Councilmember Schmidt requested that the financial contribution from Cass County for construction be identified for exactly \$1,000,000. Councilmember Schmidt made the first motion to approve the Joint Powers Agreement for the Street and Storm Sewer ID No. 2019-02 (76<sup>th</sup> and Roundabout) project. Councilmember Johnson made the second motion. All in favor none opposed; motion carried.

Mr. Dahlman recommended to include additional street lights from Horace Lutheran Church to the just south of the 76<sup>th</sup> Roundabout boundary with this project. Councilmember Schmidt made the first motion to accept Mr. Dahlman's recommendation to include additional street lights to the Street and Storm Sewer ID No. 2019-02 (76<sup>th</sup> and Roundabout) project. Councilmember Johnson made the second motion. All in favor; none opposed; motion carried.

**Special Council Retainer Agreement | Brenton Holper, City Administrator**

Mr. Holper proposed a special counsel retainer agreement between the City of Horace and Hoff Barry PA for any matters related to the Fargo Moorhead Diversion. This proposal is due to a potential conflict of interest with the Ohnstad Twichell who not only represents the City of Horace, but the Fargo-Moorhead Diversion Authority.

Councilmember Fenelon made the first motion to approve the proposed retainer agreement with Hoff Barry PA for any matters related to the Fargo Moorhead Diversion. Councilmember Johnson made the second motion. All in favor; none opposed; motion carried.

**Legislative Session | Brenton Holper, City Administrator**

Mr. Holper provided an update on three different bills being that have impacts on the City and/or elected officials. These bills include House Bill (HB) 1066 (Prairie Dog Bill), HB 1379 – which impacts preliminary budgets for Cities, and HB 1375 – which would require candidates running for local government to declare a party affiliation.

**SmartGov | Matt Lower, City Community Development Director**

Mr. Lower provided an update on the development of the SmartGov software. This software is expected to have its first modules available in April. This will enable applications for building permits to be submitted and maintained online. Other areas that will be incorporated throughout upcoming months will be the ability to accept applications for various planning activities (plats, variances, etc.), code enforcement, and building inspections.

**General Update | Brenton Holper, City Administrator**

Mr. Holper provided a recap of the water leak that occurred near the water treatment facility and the protocol used for communication used to inform the public of the boil alert. Councilmember Fenelon requested that estimates of when services would be back online be provided during updates rather than until further notice.

Councilmember Fenelon also requested that he would like an update to the City Council in the near future that identifies specifically how the Black Mountain accounting software will resolve each issue identified in the 2016/2017 Audit with clear documentation, and identifying how the audit issues will not be a problem in the future.

**Portfolio Reports:**

- Mayor Peterson: Councilmember Fenelon and Mr. Holper went to Bismarck on January 24, 2019 to provide testimony regarding Senate Bill 2020 on behalf of the City of Horace. Communication with the Governor's office, Fargo, Cass County, and the Diversion Authority on impacts of the FM Diversion on Horace have been occurring.
- Councilmember Koerselman: Absent
- Councilmember Fenelon: Councilmember Fenelon noted that employee evaluations are underway and that interviews are expected to occur in the next few weeks for the part-time communications position.
- Councilmember Johnson: Councilmember Johnson provided an update on Bean Days, a City-wide Garage Sale for May 4<sup>th</sup>, and Winter Festival for next winter.
- Councilmember Schmidt: No report

**Adjourn**

A motion was made by Councilmember Fenelon to adjourn the meeting and a second motion was made by Councilmember Johnson. All in favor; none opposed; motion carried. The meeting adjourned at 8:15 pm.