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## Horace City Council Meeting Minutes

The Horace City Council met on March 18, 2019 at 6pm at City Hall. Those present were Kory Peterson, David Fenelon, and Bryan Schmidt. John Koerselman and Chelsey Johnson was absent.

The Pledge of Allegiance was recited.

Mayor Peterson called the meeting to order.

The Regular Agenda was approved with the addition of an update on Black Mountain Accounting software development and Lions Club Temporary alcohol permit by first motion from Councilmember Schmidt and second motion by Councilmember Fenelon. All in favor, motion carried.

The Consent Agenda was approved as presented by first motion from Councilmember Fenelon and second motion by Councilmember Schmidt. All in favor, motion carried.

The Meeting Minutes from March 4, 2019 was approved by first motion from Councilmember Schmidt and second motion by Councilmember Fenelon. All in favor, motion carried.

### **Public Comment**

Mr. Dave Gronlie, asked for information about special assessments and utility rate increases be included in the upcoming issue of Horace Happenings.

Mrs. Tonya Abraham expressed concerns about communication regarding special assessments and requested that the City a letter is sent to residents that may be impacted by special assessment in advance.

### **MetroCOG – Articles of Association | Brenton Holper, City Administrator & Cindy Gray, MetroCOG Executive Director**

Mr. Holper presented the MetroCOG – Articles of Association resolution that was not updated when the City of Horace became a full voting member of MetroCOG. The Articles of Association allow the City of Horace to have voting rights and a member of the MetroCOG Policy Board – Executive Committee. MetroCOG provided the City with a resolution for the City to take action on for updating the Articles of Association.

Councilmember Schmidt made the first motion to approve the resolution for MetroCOG for updating the Articles of Association as presented. Councilmember Fenelon provided the second motion. All in favor, motion carried.

### **Maple Lake Estates | Matt Lower, Community Development Director & Lukas Croaker, City Attorney**

Mr. Lower presented the proposed rezone for the Maple Lake Estates Addition from R2 to R4. A public hearing was opened at 6:30pm, with no comments made. The public hearing was closed at 6:30pm. Councilmember Fenelon made the first motion to approve the proposed rezone of the Maple Lake



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Estates Addition from R2 to R4. Councilmember Schmidt made the second motion. All in favor, motion carried.

Mr. Lower presented the preliminary plat for the Maple Lake Estates Addition. He noted that this addition includes 138 proposed R4 lots and that the Planning and Zoning Commission requested that the 25% green space requirement be followed. Mr. Lower also brought to the City Council's attention that the developer has been very responsive to any requests from the City. Mr. Croaker provided to the City Council the list of conditions in which Planning Commission applied to the preliminary plat: 25% greenspace on all lots, only single-family homes, and the Fire Department reviews the Plat. The Developer expressed no concern with these conditions. Councilmember Fenelon made a motion to accept the preliminary plat with the stated conditions. Councilmember Schmidt provided the second motion. All in favor, motion carried.

**Terra Gardens Change Order #1 – Utility Adjustments & Grading | Jim Dahlman, City Engineer**

Mr. Dahlman presented a request for a change order for utility adjustments and grading in Water, Sewer, Storm, and Street Improvement District No 2018-3 to raise underground utilities to match the roadway grading after surveying error led to the utilities being placed too low. Councilmember Fenelon asked where the funds from the change order would come from and sought clarification on use of contingency funds in these situations. Councilmember Fenelon also stated he felt the situation was a result of a mistake on behalf of the developer rather than an unknown.

The developer, Mr. Jack Dwyer explained with his engineers that the utility work in question was using data from a previous engineering firm and that data happened to be incorrect. Council discussed the situation at length with the Developer and scenarios in which the actual cost of the change order exceeded the amount of contingency funds.

Councilmen Schmidt made motion to approve the change order. Councilmember Fenelon provided the second motion. All in favor, motion carried.

**West Fargo School District Addition Update | Kory Peterson, Mayor**

Mayor Peterson provided an update to the City Council that the new middle school in Horace will be called Heritage Middle School, while the new high school will be called West Fargo – Horace High School. Mayor Peterson and Councilmember Schmidt were present at the school board meeting when the names of the schools were determined. Mayor Peterson also spoke on behalf of the City requesting that the school district select Heritage Middle School and Horace High School as the names of these schools. The West Fargo School District Board voted 4-3 in favor of these names.

**West Fargo School District Addition Developer's Agreement | Lukas Croaker, City Attorney**

Mr. Croaker presented the West Fargo School Addition Developer's Agreement. He discussed that West Fargo School District and Cass Rural Water have approved and signed the Agreement. City Council would be the last entity. Councilmember Fenelon made the first motion to approve the developer's agreement. Councilmember Schmidt made the second motion. All in favor, motion carried.

**Food Truck Ordinance | Matt Lower, Community Development Director**



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Mr. Lower presented an ordinance to allow for the operation of food trucks within the city limits. He explained this ordinance would help address a need to provide more amenities to Horace residents and those who work within the city limits during the heavy construction season and beyond. Councilmember Schmidt sought clarification on specifics in the proposed ordinance related to the City Council's role in approving licenses. Councilmember Fenelon made a motion to approve the first reading. Councilmember Schmidt made the second motion. All in favor, motion carried.

#### **Water and Sewer Rates | Brenton Holper, City Administrator**

Mr. Holper informed the City Council that he has hired a consultant to analyze the existing base rate on utilities. He continued to inform the City Council that utility bills due in May would have the base applied correctly.

#### **Lions Club Temporary Liquor License | Brenton Holper, City Administrator**

The Lions Club requested a temporary liquor license for an event. Councilmember Fenelon made the motion to grant the temporary liquor license. Councilmember Schmidt made the second motion. All in favor, motion carried.

#### **Black Mountain Software Update | Vance Kemmer, City Auditor**

Council had requested an update on Black Mountain Software and the status of utilizing the software and other tools to resolve issues found in a recent financial audit. Mr. Kemmer said he was working on a detailed resolution.

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

- A. Infrastructure Projects Update  
A spread of the status of infrastructure projects was presented to City Council
- B. Economic Development Incentives  
Staff discussed with City Council what some general economic development incentives could look like in Horace. A commercial developer had voiced interested to City staff of building a project with a TIF district. It was discussed that staff would continue their research and development incentives will continue to be considered on a case-by-case basis.
- C. Special Assessment Policy Update  
Mr. Holper will begin drafting a policy that focuses on process, how projects could be assessed, and provide a commitment on what types of projects could be assessed.

#### **Portfolio Reports:**

- Mayor Peterson:
  - Diversion Update – In late February Mayor Peterson and City Administrator Holper went to Bismarck for testimony on behalf of the City regarding Senate Bill 2020.
  - Flooding – Mayor Peterson and City Administrator Holper will continue to monitor conditions of potential flooding. If a State of Emergency is necessary and sand bags, the City will have sand bags available.
- Councilmember Koerselman: Absent
- Councilmember Fenelon: No report



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- Councilmember Johnson: Absent
  - Councilmember Schmidt: No report

### **Adjourn**

A motion was made by Councilmember Schmidt to adjourn the meeting and second motion by Councilmember Fenelon. All in favor, motion carried. The meeting adjourned at 8:27 pm.

Kory Peterson, Mayor

Vance Kemmer, City Auditor