

## Horace City Council Meeting Minutes

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

The Pledge of Allegiance was recited.

Mayor Peterson called the meeting to order.

### **Agenda Item #3: Approve Regular Agenda**

**Discussion:** Mayor Peterson reviewed changes staff made to the agenda during the workday.

**Motion:** Approve the regular meeting agenda.

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

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

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

### **Agenda Item #4: Approve Consent Agenda**

**Discussion:** Councilmember Fenelon sought clarification on the details Cass County Electric bills in the monthly vendor invoices. Mr. Holper explained the city will be breaking out the electric bills in more detail as part of overhauling the City's financial recording practices.

**Motion:** Approve the consent agenda.

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

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

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

### **Agenda Item #5: Approve Meeting Minutes**

**Discussion:** No Discussion

**Motion:** Approve the minutes.

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

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

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

### **Agenda Item #6: Public Comment**

**Discussion:** Sharon Carpenter spoke about publishing the meeting minutes in the paper and voiced concerns about kids are darting across the County Road 17 near the grain elevator. Dave Gronlie spoke about how he appreciated the city adjusting the road closed signs on County Road 17 before Brinks Drive and had general comments about the City's special assessment policy.

### **Agenda Item #7: Prairie View- Park Board Lot Sell**

**Discussion:** Mr. Croaker presented a sale agreement between the City and Park District. The agreement proposes that City would execute a quick claim deed to give the Park Board full ownership of vacant spaces in Prairie View. As part of the sale agreement, the park district would sell off 4 buildable lots and dedicate the storm water drainage area to the City.

**Motion:** Approve the Sale Agreement

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

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

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

**Agenda Item #8: Recreational Trail Program- CR-17 Horace Elementary to 81<sup>st</sup> Ave S**

**Discussion:** Mr. Dahlman presented the plans and specifications for the CR-17 Mixed Use Path. He discussed some concerns from residents about keeping mature trees. Staff would continue discussions with residents about the trees.

**Motion:** Approval to allow the ND Parks and Recreation to bid the CR-17 Mixed Use Path.

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

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

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

**Agenda Item #9: Utility Billing Fee Structure**

**Discussion:** Mr. Holper proposed a fee structure for delinquent utility bills. It was discussed that the City has charged late fees for delinquent bills before. The proposed structure would be \$5 for water, \$5 sewer, and \$5 trash per month late with shut off after 3 months, as well as \$.25 for forestry and vector per month late.

**Motion:** None

**Action taken:** Item tabled.

**Agenda Item #10: 76<sup>th</sup> Ave S & CR-17 Roundabout Utility Agreements**

**Discussion:** Mr. Holper presented two different utility agreements with two different companies which have utilities within the right-of-way of Cass County 17 and 76<sup>th</sup> Ave. The City does not franchise agreements with these utilities, so a discussion occurred as if whom would have to pay to move the utilities as part of the construction this summer. Staff discussions would continue tomorrow.

**Motion:** None

**Action taken:** Item tabled

**Agenda Item #11: 76<sup>th</sup> Ave S & CR-17 Right of Way Agreements**

**Discussion:** Mr. Holper presented an update for the right of way purchase on the roundabout project, two parties, the Northeast Corner Tom McKinnis in the Northeast corner (.03 Acres) and 1776 Investments in the Southwest Corner (18 Acres), have verbally agreed to a purchase agreement. The County has handled the ROW purchase on the west side of the project.

**Motion:** Approve the purchase agreements.

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

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

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

**Agenda Item #12: Potential Grandfathering of Letter of Credit Requirements for Certain Subdivisions and Action Items Related to the Improvement District Agreements of Said Subdivisions**

**Discussion:** Mr. Croaker spoke about last meeting's approval raising the letter of credit from 50% to 75%. He is seeking a policy decision on if this applies to developments with a special improvement district already put in place but letter of credits no posted. Councilmember Fenelon questioned if the

benchmark should be a signed developer's agreement and not an approved special improvement district.

**Motion:** Grandfather the developers of Visto's 3<sup>rd</sup> Industrial Addition and Cub Creek into the new letter of credit policy and allow them to commit a letter of credit under the old limit.

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

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

**Action taken:** Two in favor, Councilmember Fenelon opposed. Motion carried.

**Discussion:** Mr. Croaker introduced ID No. 2019-5 and spoke about the unique elements of this particular agreement, notably the waiver of protest for the improvements related to paving the streets within the development. The agreement needs to clearly reflect the improvements will not include curb and gutter. There were additional provisions noted related to planning commission: a design review and a landscaping plan are required begin the ID is for a commercial and industrial development.

**Motion:** Approve the Improvement District Agreement for Water, Sewer, Storm, and Street ID No. 2019-5 with changes letter of credit requirement and said changes.

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

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

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

**Discussion:** Mr. Croaker introduced ID No. 2019-6 and noted the agreement would have to be revised to reflect the changed letter of credit requirement. Mr. Croaker also reviewed with Council the discussions the developer had with Cass Rural Water District and the City's 150' watercourse set back is included in the agreement.

**Motion:** Approve the Improvement District Agreement for Water, Sewer, Storm, and Street ID No. 2019-6 with stated revisions.

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

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

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

### **Agenda Item #13: Alternate Detour Route**

**Discussion:** Mr. Holper spoke about how he sees that the detour is working but there are some minor issues that come with the detour. He presented a second detour route to council which would enhance the travel east of the roundabout construction. The roads as part of the detour are not entirely in the jurisdiction of the city of Horace and an upgrade would require coordination. The City Engineer will meet with the Contractor and with other Jurisdictions to scope the project in more detail.

**Action taken:** Item tabled.

### **Agenda Item #14: Partner's in Marketing Grant**

**Discussion:** Mr. Holper spoke about a meeting staff had with AE2S about new logos. Staff wanted to see more options on new logos before presented to council.

### **Agenda Item #15: First Link Program**

**Discussion:** First Link, a local program looking to tackle substance abuse is seeking a funding commitment from local municipalities. They are looking for commitment from Horace for \$1,000 annually for 3 years.

**Motion:** Provide \$1,000 per year for 3 years to support the First Link Program

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

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

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

**Agenda Item #16: Engineering/Public Works Updates**

**Discussion:** Mr. Dahlman updated the council on the construction projects that have starting. Projects are progressing as scheduled and notably, contracts were distributed for 79<sup>th</sup>/63<sup>rd</sup> project and a preconstruction meeting will be scheduled.

**Agenda Item #18: City Administrator Update**

**Discussion:** Mr. Holper updated the council on the status of the software upgrades. Training for SmartGov would begin the next day and training for Black Mountain is wrapping up. He also told Council that there was a significant increase in tonnage from the Spring Clean Up. Both the Spring Clean-up and the community wide garage sale are being received as successful from the community. He also told council that the interview process for the finance director position is progressing and the finalists will present in front of council when selected.

**Agenda Item #18: Portfolio Reports**

**Mayor Peterson:** Updated the public that there was no new news on the Diversion and that the school ground-breaking had occurred earlier in the day. He asked public to stick on the designated detours routers through the construction season.

**Councilmember Fenelon:** None.

**Councilmember Johnson:** None.

**Councilmember Schmidt:** None.

**Agenda Item #19: Adjournment**

**Motion:** Adjourn the meeting

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

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

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