



Horace City Council Meeting Minutes

Due to COVID-19 and social distancing, the Horace City Council meeting took place at City Hall as well as online on June 1, 2020 @ 6:00 pm. Those present at City Hall were Councilmember Chelsey Johnson, Councilmember Bryan Schmidt, Councilmember John Koerselman, Councilmember Dave Fenelon and Mayor Kory Peterson. Others present included: Jim Dahlman, Brenton Holper and Barrett Voigt. Russ Sahr and Lukas Croaker joined the meeting online via Zoom.

Mayor Peterson called the meeting to order.

Mayor Peterson forwent the pledge of allegiance.

Agenda Item #3: Approve regular agenda

Motion: Approve the regular agenda with the addition of the Chestnut Bike Path discussion to the agenda (agenda item #21).

1st Motion: Councilmember Koerselman

2nd Motion: Councilmember Fenelon

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

Agenda Item #4: Approve consent agenda

- a. Vendor Invoices
- b. Balance Sheet & Income Statement
- c. Sanitary Sewer ID No. 2017-2 (Connection to Fargo @ Deer Creek)
 - i. Change Order No. 5 increase of \$16,319.83
- d. Water, Sewer, Storm and Street ID No. 2017-1 (Lost River 1st-4th)
 - i. Progressive Estimate No. 18 FINAL for \$100,000.00 to KPH Inc.
- e. Sanitary, Storm Sewer and Street ID No. 2019-1 (Lakeview Drive and 79th Avenue)
 - i. Progressive Estimate No. 7 for \$256,825.52 to KPH Inc.
- f. Storm Sewer and Street ID No. 2019-3 (63rd Street)
 - i. Progressive Estimate No. 7 for \$144,464.35 to KPH Inc.
- g. Water, Sewer, Storm and Street ID No. 2019-6 (Cub Creek First Addition)
 - i. Progressive Estimate No. 7 for \$734,624.47 to Dakota Underground Co.
- h. Water, Sanitary Sewer, Street and Drainage ID No. 2019-5 (Visto Industrial Addition)
 - i. Progressive Estimate No. 3 for \$93,088.68 to Dakota Underground Co.
- i. County Road 17 Shared Use Path
 - i. Progressive Estimate No. 2 for \$172,509.10 to Border States Paving Co.
- j. Street ID No. 2017-7 (Maple Grove)
 - i. Progressive Estimate No. 8 for \$14,095.85 to Earthwork Services Inc.

Motion: Approve the consent agenda excluding item 4c. Sanitary Sewer ID No. 2017-2 (Connection to Fargo @ Deer Creek).

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Schmidt

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



Motion: Approve the Sanitary Sewer ID No. 2017-2 (Connection to Fargo @ Deer Creek) Change Order No. 5 increase of \$16,319.83.

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Johnson

Action taken: Three in favor, one opposed (Councilmember Koerselman). Motion carried (3-1).

Agenda Item #5: Approval of City Council Meeting Minutes from May 18, 2020

Motion: Approve City Council Meeting Minutes from May 18, 2020.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Schmidt

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

Agenda Item #6: Public Comment

Adam Kusler, a resident of Chestnut Drive in Horace, announced that he was at City Hall to comment on the Chestnut Bike Path later during the meeting. Mayor Peterson acknowledged Mr. Kusler's request to discuss the Chestnut Bike Path.

Agenda Item #7: Sheriff's Update | Ross Krause/Thomas Behm, Cass County Sherriff's Department

Deputy Sheriff Ross Krause called in and provided an update on the monthly report as well as a breakdown of the 128 total calls for service for the month of May 2020. This number included 12 calls related to Traffic Complaints, as well as 5 calls for Deputies attempting warrants or civil papers. Vehicle weight restrictions have been posted in town on Wall Avenue and 64th Avenue South. The Deputies that specialize in truck regulatory subject matter have been providing extra patrol in the area and have been educating companies on proper procedures. 19 parking warnings were issued.

Councilmember Schmidt asked if the Deputy Sheriffs were pulling over and educating younger residents who are riding ATVs in the City? Deputy Sheriff Krause answered that the Sheriffs are in the educational stage and are giving residents a chance to get the needed license and insurance before issuing tickets.

Councilmember Koerselman asked about the complaints the City received regarding construction trailers overnight parking in developments. Deputy Sheriff Krause said about 5 or 6 parking warnings were issued to construction trailers that were parked overnight. There were no additional complaints after the warnings were issued.

Agenda Item #8: Horace 2045 Comprehensive Plan References Ordinance | Barrett Voigt, Community Development Director and Lukas Croaker, City Attorney

Mr. Voigt presented the Horace 2045 Comprehensive Plan References Ordinance. There were no comments on the final draft.

Motion: Approve the Horace 2045 Comprehensive Plan References Ordinance as presented by staff.

1st Motion: Councilmember Schmidt

2nd Motion: Councilmember Johnson

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



Agenda Item #9: Horace 2045 Comprehensive Plan Ordinance Updates | Barrett Voigt, Community Development and Lukas Croaker, City Attorney

Mr. Croaker presented the Horace 2045 Comprehensive Plan Ordinance Updates. The second reading will be on June 15, 2020.

Motion: Approve the Horace 2045 Comprehensive Plan Ordinance Updates.

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Schmidt

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

Agenda Item #10: Development Fee Agreement | Lukas Croaker, City Attorney

Mr. Croaker explained that the purpose of the Development Fee Agreement is to establish the developers' obligations and responsibilities for the various costs associated with the City services in platting and developing. Developers are responsible for paying the fees associated with the City services such as engineering and legal fees.

Councilmember Schmidt asked if the developers would have to pay a flat fee up front or would the hours be billed? Mr. Croaker said that he was open to suggestions on this subject. He recommended that the City keeps track of the hours spent on a project, and that the developer must pay the fees before the plat will be recorded. Another part of this agreement is that the developer would have to pay a \$5,000 bond. If the developer does not pay the fees and the City could then draw on that bond.

Mr. Holper added that this agreement will protect the City and make sure that the City's costs for legal and engineering services provided to developers will be covered. The City would keep the developers updated on hours spent. This agreement would only apply for new plat requests.

Councilmember Koerselman voiced his concern that this agreement could cause problems between developers and the City. He asked to see actual numbers of costs that the City incurred in the past. He suggested that the matter would be investigated further to find a more agreeable solution where the developer would work with the City instead of being charged up front. Councilmember Fenelon added that no other city has this type of agreement. Mr. Holper concluded that the discussion will help CSity staff to find a practical solution. The discussion about the Development Fee Agreement will continue.

Agenda Item #11: Sanitary Sewer ID No. 2018-1 (100th Avenue Sanitary Sewer Forcemain and Lift Station) | Jim Dahlman, City Engineer

Mr. Dahlman summarized the bid opening for the Sanitary Sewer ID No. 2018-1 (100th Avenue Sanitary Sewer Forcemain and Lift Station) that took place on May 28, 2020. The project received bids from five contractors.

KPH Inc. was the lowest bidder with a bid of \$662,480.00. Mr. Dahlman recommended to award the project to KPH Inc. as they were the lowest bidder and have worked for the City before.

Motion: Approve the bid of \$662,480.00 for the Sanitary Sewer ID No. 2018-1 (100th Avenue Sanitary Sewer Forcemain and Lift Station) and award the project to KPH Inc.



1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Johnson

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

Agenda Item #12: Water, Sewer, Storm and Street ID No. 2020-1 (Southdale Farms First Addition) | Jim Dahlman, City Engineer

Mr. Dahlman summarized the bid opening for the Water, Sewer, Storm and Street ID No. 2020-1 (Southdale Farms First Addition) that took place on May 28, 2020. The project received bids from four contractors.

Dakota Underground was the lowest bidder with a bid of \$6,427,760.00. Mr. Dahlman explained that this project has a higher price tag because of challenging soils. Mr. Dahlman provided a summary of the soil study that was conducted.

Mr. Dahlman recommended to award the project to Dakota Underground as they were the lowest bidder and have worked for the City before. Dakota Underground has the capability to complete big projects fast because they can provide multiple crews on-site.

Motion: Approve the bid of \$6,427,760.00 for the Water, Sewer, Storm and Street ID No. 2020-1 (Southdale Farms First Addition) and award the project to Dakota Underground.

1st Motion: Councilmember Schmidt

2nd Motion: Councilmember Koerselman

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

Agenda Item #13: Off Street Parking Ordinance | Barrett Voigt, Community Development Director and Lukas Croaker, City Attorney

Mr. Voigt presented the 2nd reading of the Off Street Parking Ordinance. No comments were received, and no changes to the proposed text were made. Mr. Voigt recommended approval of the Off Street Parking Ordinance.

Motion: Approve the Off Street Parking Ordinance as presented by staff.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Schmidt

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

Agenda Item #14: Street Setback Ordinance Amendment | Barrett Voigt, Community Development Director and Lukas Croaker, City Attorney

Mr. Voigt presented the 2nd reading of the Street Setback Ordinance amendment which proposes a 15 ft setback from collector and arterial instead of 75 ft. No comments were received, and no changes to the proposed text were made. Mr. Voigt recommended approval of the Street Setback Ordinance amendment.

Motion: Approve the Street Setback Ordinance amendment as presented by staff.

1st Motion: Councilmember Koerselman

2nd Motion: Councilmember Fenelon

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



Agenda Item #15: Public Facilities (PF) Zoning District Ordinance | Barrett Voigt, Community Development Director and Lukas Croaker, City Attorney

Mr. Voigt presented the 2nd reading of the Public Facilities (PF) Zoning District Ordinance. The PF Public Facilities District is primarily established to promote the development, maintenance, use, and identification of land and structures utilized for municipal or public purposes. No comments were received, and no changes to the proposed text were made. Mr. Voigt recommended approval of the Public Facilities (PF) Zoning District Ordinance.

Motion: Approve the Public Facilities (PF) Zoning District Ordinance as presented by staff.

1st Motion: Councilmember Koerselman

2nd Motion: Councilmember Schmidt

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

Agenda Item #16: Mixed Use (MU), Zoning District | Barrett Voigt, Community Development Director and Lukas Croaker, City Attorney

Mr. Voigt presented the 2nd reading of the Mixed Use (MU), Zoning District which proposed a 15 ft street setback instead of 75 ft. No comments were received, and no changes to the proposed text were made.

Mr. Voigt recommended approval of the Mixed Use (MU), Zoning District.

Motion: Approve Mixed Use (MU), Zoning District as presented by staff.

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Koerselman

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

Agenda Item #17: West Fargo School Addition – Rezone Lot 1, Block 1 & Lot 2, Block 2 | Barrett Voigt, Community Development Director and Lukas Croaker, City Attorney

Mr. Voigt presented the West Fargo School Addition – Rezone Lot 1, Block 1 & Lot 2, Block 2. During the design process, it was discovered that the proposed height requirements would not meet the agricultural district zoning requirements. With this rezoning the school would not have height restrictions and would be in compliance with the Zoning Ordinance. Mr. Voigt recommended approval of the West Fargo School Addition – Rezone Lot 1, Block 1 & Lot 2, Block 2.

Mayor Peterson opened the public hearing at 7:10 pm. No comments or questions were received.

Mayor Peterson closed the public hearing at 7:10 pm.

Motion: Approve the West Fargo School Addition – Rezone Lot 1, Block 1 & Lot 2, Block 2 as presented by staff.

1st Motion: Councilmember Schmidt

2nd Motion: Councilmember Fenelon

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

Agenda Item #18: River's Edge Second Addition – Annexation by Ordinance | Barrett Voigt, Community Development Director and Lukas Croaker, City Attorney



Mr. Voigt presented the River's Edge Second Addition – Annexation by Ordinance. The City has received an application for platting the vacant lots. Mr. Croaker added that letters were sent to inform the Township and the County. Mr. Holper said that the Township's Chairman supported the annexation last week.

Mayor Peterson opened the public hearing at 7:15 pm for the River's Edge Second Addition – Annexation by Ordinance. No comments or questions were received. Mayor Peterson closed the public hearing at 7:16 pm.

Motion: Approve the for the River's Edge Second Addition – Annexation by Ordinance as presented by staff.

1st Motion: Councilmember Koerselman

2nd Motion: Councilmember Johnson

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

Agenda Item #19: Water, Sewer, Storm and Street ID No. 2020-3 (Wall Avenue update) | Jim Dahlman, City Engineer

Mr. Dalman presented an update on the Water, Sewer, Storm and Street ID No. 2020-3 (Wall Avenue). Councilmember Schmidt asked if the engineer's estimate had increased? Mr. Dahlman answered that the costs had not been calculated yet. Councilmember Schmidt wanted to know what the next steps would be? Mr. Dahlman explained that more designing would be needed before presenting the plan to residents. The area west of Wall Avenue (where a bike path is planned) has a steep drop off. This area needs to be designed first to understand what the impact on residents would be before presenting it.

Councilmember Schmidt asked when the design would be ready? Mr. Dahlman estimated that it would be ready by the end of June. Mayor Peterson asked if the Senior Center could be connected virtually so that seniors could join because the center does not have a good Wi-Fi connection. Councilmember Koerselman asked if grant money would be available for the shared use path. Mr. Dahlman explained that the City had applied for a grant for the Recreational Trail Program 2022 Fund.

Councilmember Johnson asked when construction could start? Mr. Dahlman answered that the plan is to acquire the land, eliminate conflicts, finish the design, and bid the project out in November. Construction would start in 2021.

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

Mr. Dahlman explained that he will start tracking hours for the time spent on projects which will be indicated in a column in the Engineering Project Status Report.

- a. Bound copies of the Water Study will be delivered to City Hall on June 2nd, 2020.
- b. Street Improvement District No. 2017-5 - 8th Ave Extension is on hold.
- c. Maple Grove final grading, seeding, erosion control and hydromulching were completed last week.
- d. Lost River 1st- 4th Additions final estimate was approved earlier during the meeting.
- e. Shared use path along County Road 17 will be completed on June 20th, 2020. Councilmember Schmidt asked if signs will be installed to keep ATVs and motored vehicles off the path? Mr. Dahlman explained that only stop signs and T-intersection traffic signs will be installed.



Councilmember Schmidt requested that No Motor Vehicle sign will be added. Mr. Dahlman said that he will talk to Border States.

Councilmember Fenelon asked if the cemetery entrance will be worked on? Mr. Dahlman explained that a ramp to the dentist office's parking lot and the church's parking lot is planned so people can park there and walk to the cemetery. Parking on County Road 17 is not encouraged.

- f. Street and Storm Sewer Improvement District No. 2 (76th Ave & Roundabout) is 94% complete. Final lift of asphalt has been placed on the frontage road. Streetlights have been installed. Cracks in the road are being looked at and a solution will be found.
- g. Visto Industrial Additions' street construction was completed. Streetlights and poles will be installed, and the pond excavation continues.
- h. Cub Creek 1st Addition's Water, Sewer, Storm and Street Improvement District No. 2019-6 are 88.8% complete. Streetlight installation will start soon. Construction will start in July.
- i. Water, Sewer, Storm and Street Improvement District No. 2019-7 (Maple Lake Estates Addition) earthwork has started.
- j. 3rd and 4th Street Drainage Improvements have been successful. 3rd and 4th Street have stayed dried this Spring.
- k. The contractor of the Water, Sewer, Storm and Street ID No. 2020-4 (Lost River Fifth Addition) is planning to start earthwork this week.

Mayor Peterson asked if there was an update on the Middle School? Mr. Dahlman explained that Mr. Holper and he toured the Middle School last Friday. On July 11th, the school will start moving in fixtures. There is still a lot of work to be done. Mr. Holper explained that the gym and some hallways of the Middle School do not have concrete poured yet.

Councilmember Schmidt asked if there will be delays due to inspection delays? Mr. Holper responded that there are no inspection delays for the Middle School. There are some delays for the High School because the fire walls will have to be redesigned. The City's inspector is waiting for the architect to resubmit the new plans.

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

Mr. Holper started the discussion about the Chestnut Bike Path. Mr. Holper explained that the Chestnut Bike Path runs between two properties. When the path was constructed years ago, no easement was put in place. The property owner to the west would like to keep the path. The property owner to the east, Mr. Adam Kusler, would like to have the path removed.

Mr. Kusler was at City Hall and explained the path runs adjacent to his property and his driveway. There were numerous incidents where his kids were drawing with chalk in the driveway and ATVs drove by at high speeds (at around 30mph). Mr. Kusler installed video cameras to document the situation. He recorded footage of people throwing dog waste near his garbage area and fights that started right on his driveway. Mr. Kusler said that a handful of people were abusing the path. He also explained that he was worried about liability in case of an accident. Mr. Kusler suggested that the path would be removed.



Mayor Peterson asked why Horace residents need the Chestnut Bike Path when there is a new bike path running along County Road 17? Councilmember Koerselman stated that there were two options.

Option 1 – turn the Chestnut Path into a pedestrian only path.

Option 2 – completely remove the path.

Councilmember Schmidt said that there is no easement and that it would cost additional money to put an easement in. Councilmembers agreed that the best solution would be to remove the bike path. Mr. Croaker mentioned a temporary easement that both property owners agree to would need to be put in place before the path can be removed. Mayor Peterson said that it is important that Mr. Kuslers' fence stays intact while removing it, and that the area would need to be reseeded afterwards.

Motion: Approve the removal of the Chestnut Bike Path.

1st Motion: Councilmember Koerselman

2nd Motion: Councilmember Schmidt

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

Mr. Holper explained that the Economic Development Group will meet Friday morning. They will talk about the Renaissance Zone Plan and will finalize the group itself, establishing how they will interact with Council in the future.

Mr. Holper gave an update on the open positions at City Hall. All three positions were filled. tentative start date for Public Works will be June 22^{8th}, 2020, the Communication Specialist will start on June 15th, 2020, and the Building inspector will start on June 8th, 2020.

Agenda Item #22: Portfolio Reports

- a. Mayor Peterson explained that there were complaints about dust from construction traffic east of Wall Avenue. The City engineer will look at options to control the dust. The parade on Main Street for the Graduates was a big success and had a nice turnout. The banners will be given back to the Seniors. He also mentioned that he will be out of town from June 4th to June 9th, 2020 and that Councilmember Schmidt can be reached during that time.
- b. Councilmember Koerselman – no updates.
- c. Councilmember Fenelon – no updates.
- d. Councilmember Johnson – Bean Days will happen but only on Saturday. Due to COVID-19, the event will be a more simplified event. A parade and fireworks are planned.
- e. Councilmember Schmidt – asked if Spring Cleanup will happen on September 19, 2020? Mr. Holper confirmed the date and explained that residents can use the regular landfill if they cannot wait until September. Mr. Schmidt asked if resident can still use the yard waste site and what residents should do when disposing appliances? Mr. Holper answered that the yard waste site is being used but fill up continuously. City staff monitors the site and reminds residences on how to use it. Most residents use it correctly but there will always be a handful that do not follow the rules. The City picks up appliances and leaves them in front of the Public Works' shop. A scrapper then picks it up free of charge. Councilmember Schmidt asked for an update on Vector Control. Mr. Holper explained that Public Works staff is checking the City's mosquito



traps. Right now, daily trap count is about 3 mosquitos. Mosquito spraying gets scheduled when the trap count surpasses 50 mosquitos per day. Vector Control also does their preventive measurements.

Councilmember Fenelon reminded everyone to send their voting ballots because the elections will be on June 9th, 2020. The mailing deadline is June 8th, 2020.

Mr. Holper gave an update on the Horace Post Office. The PO boxes have been installed at the hallway of City Hall. There will be a mobile Post Office unit parked outside City Hall. Once the Post Office has an official start date and hours, the City will post it on the City's website as well as the City's Facebook.

Mayor Peterson reminded everyone who has not filled out their census form to do so.

Agenda Item #23: Adjourn

Motion: Approve meeting adjourn at 9:25 pm.

1st Motion: Councilmember Schmidt

2nd Motion: Councilmember Koerselman

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

The Next City Council Meeting is June 15, 2020 at 6:00 pm