



## **Horace City Council Meeting Minutes**

The Horace City Council met on July 20, 2020 @ 6:00 pm at Horace City Hall. Those present were Mayor Kory Peterson, Councilmember Bryan Schmidt, Councilmember John Koerselman, and Councilmember Dave Fenelon. Others present included: Jim Dahlman, Brenton Holper, and Barrett Voigt. Absent: Councilmember Chelsey Johnson.

Mayor Peterson called the meeting to order at 6:00 pm

The pledge of allegiance was recited.

### **Agenda Item #3: Approve regular agenda**

**Motion:** Approve the regular agenda.

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

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

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

### **Agenda Item #4: Approve consent agenda**

- a. Vendor Invoices
- b. Balance Sheet & Income Statement
- c. Pledge Reports

**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: Approval of City Council Meeting Minutes from July 6, 2020**

**Motion:** Approve City Council Meeting Minutes from July 6, 2020.

**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 #6: Public Comment**

No comments.

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

Mr. Holper informed Council that the Sheriffs have been focusing on stop sign and speeding violations. The City received complaints from residents that many drivers were speeding and running the stop sign on Wall Avenue and County Road 17. Sheriffs have set up a radar trailer on Wall Avenue west of the intersection. The trailer will be moved west of the bridge to make drivers aware of their speed.



Mr. Holper added that overnight parking has decreased. Sheriffs reported that contractors have parked their trailers overnight and that warnings were issued. When trailers that are fully loaded are parked overnight during hot summer days and nights, the weight of the load can damage the road.

Mr. Holper explained that the truck regulatory deputies have been enforcing the overdimensional vehicle regulations in Horace. Councilmember Schmidt asked if there were any Municipal Court proceedings held yet? Mr. Holper responded that there were no proceedings because all tickets were paid. When tickets are paid there is no need for court proceedings. Once there are outstanding tickets, the City will inform the judge and court proceedings will start. Councilmember Schmidt requested a monthly report on how many tickets were paid, how many tickets are outstanding, and general updates about monthly court proceedings.

**Agenda Item #8: 604 Willow Court Code Enforcement | Barrett Voigt, Community Development Director**

Mr. Voigt summarized the 604 Willow Court code violation and enforcement. City staff found building materials, including lumber, bricks, cinder blocks, and items classified as junk, including parts of machinery, unused furniture, remnants of wood, metal, and cast off materials, located in the front, side, and back yard of the property and outside of an enclosed structure. A letter was sent to inform the resident of the code violation and the deadline of seven days given for the clean-up of the property. On July 13<sup>th</sup>, staff verified that none of the violations have been corrected.

As required by City Ordinance Section 15.0314, the property owner was notified of the City Council hearing more than 5 days prior by the 2nd violation notice letter sent on June 29th. There has been no communication or response from the resident. Mr. Croaker explained that this matter was brought in front of City Council instead of the Municipal Court to give the property owner one more chance to respond instead of filing criminal charges. Mr. Croaker recommended that the City would hire an outside company to clean up the property and assess the charges to the property owner afterward.

**Motion:** Approve the clean-up of 604 Willow Court and assess cost to the property.

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

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

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

**Agenda Item #9: 7109 Woodland Circle Code Enforcement | Barrett Voigt, Community Development Director**

Mr. Voigt presented the 7109 Woodland Circle code violation and enforcement. City staff found the presence of weeds in the northwest corner of the property; building materials, including boards, wood panels, and items classified as junk, including tires, a sign, wood scraps, located outside of an enclosed structure. Staff spoke to the property owner over the phone and agreed on a deadline for the property to be cleaned up. The deadline passed but the clean-up agreement was ignored. The City sent a letter to inform the resident of the code violation and the deadline of seven days given for the clean-up of the property. On July 13<sup>th</sup>, staff verified that none of the violations have been corrected.



As required by City Ordinance Section 15.0314, the property owner was notified of the City Council hearing more than 5 days prior by the 2nd violation notice letter sent on June 29th. There has been no communication or response from the resident since that initial phone call. Mr. Voigt recommended that the City would hire an outside company to clean up the property and assess the charges to the property owner afterward.

**Motion:** Approve the clean-up of 7109 Woodland Circle and assess cost to the property.

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

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

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

#### **Agenda Item #10: Food Truck Applications | Brenton Holper, City Administrator**

Mr. Holper presented the City's plan of having food trucks come to Horace. The first two trucks will set up on July 22 and July 29, 2020 in the parking lot of the Lutheran Church. A mobile toilet will be provided by the City to avoid foot traffic going into the Church. The food truck owners are responsible for their own trash clean-up. If the turn out on July 22 and 29, 2020 is successful, the City hopes to have a variety of food trucks in Horace on a regular basis.

Mr. Holper explained that Horace's food truck permits are valid until November of the calendar year. If a food truck vendor would like to move their truck to another location in the City, they must communicate that to the City beforehand. Councilmember Koerselman requested that the food truck vendors submit a copy of their ND business license, which are issued by the ND Department of Health, with their Horace food truck permit application. Council requested that the requirements listed in the City's food truck ordinance will be added to the permit application and that vendors must sign an acknowledgment that they have read and understood the requirements.

**Motion:** Approve Food Truck Applications pending that all required licenses are in place beforehand.

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

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

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

#### **Agenda Item #11: Overweight Truck Policy Amendment | Brenton Holper, City Administrator and Lukas Croaker, City Attorney**

Mr. Croaker presented the second reading of the Oversized Vehicle Penalty Ordinance. He explained that this amendment follows the North Dakota Century Code and that nothing changed since the first reading during the July 6, 2020 Council meeting.

**Motion:** Approve the second reading of the Overweight Truck Policy Amendment.

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

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

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

Mr. Holper added that West Fargo is looking into following Fargo's Overdimensional Policy and that Horace will follow Fargo's Overdimensional Policy to be in line with the County. The Cass County Sheriff's Department suggested that Horace mirrors Fargo's permit application form and suggested that Horace starts charging every company for permits even if they work on a City project to ensure equal treatment.



**Motion:** Approve the new Overweight Truck Policy which follows Fargo's policy with final by legal.

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

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

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

**Agenda Item #12: Land Use Ordinance Amendment-Plat Requirements | Barrett Voigt, Community Development Director and Lukas Croaker, City Attorney**

Mr. Voigt presented the Land Use Ordinance Amendment-Plat Requirements. The only revision to the text amendment was property owners within 300 ft. of the property in question will be notified. There were no comments or questions since the last presentation during the last City Council meeting on July 6, 2020.

**Motion:** Approve Land Use Ordinance Amendment-Plat Requirements.

**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 #13: C-1 Neighborhood Commercial Permitted Land Uses Text Amendment | Barrett Voigt, Community Development Director**

Mr. Voigt presented the C-1 Neighborhood Commercial Permitted Land Uses Text Amendment. Enno Enterprises requested a text amendment to allow childcare facilities, and salon & barber shop land uses in the C-1 Neighborhood Commercial zoning district. The applicant was not aware that these land uses were not permitted and therefore applied for the amendment. The future anticipated land use would accommodate future tenants of the proposed commercial building.

Mr. Croaker explained that the applicant did not want coffeeshops added to the text amendment. Councilmember Schmidt suggested that coffeeshops will be included because the text amendment is for a citywide ordinance. Mayor Peterson opened the public hearing at 6:36 pm. No comments or questions were received. Mayor Peterson closed the public hearing at 6:36 pm.

**Motion:** Approve C-1 Neighborhood Commercial Permitted Land Uses Text Amendment

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

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

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

**Agenda Item #13a: Deputy Sheriff Thomas Behm Update**

Deputy Sheriff Thomas Behm provided the service call summary for the month of June. There were 128 calls for service which included 11 calls related to traffic complaints, 11 calls for Deputies attempting warrants or civil papers. Deputy Sheriff Behm reminded citizens that overnight parking from 12:00 am to 9:00 am is strictly prohibited in the City of Horace. He reported that this ordinance has been followed well, as evident by the parking citation and warning numbers indicate in the report.

Councilmember Schmidt explained that he received complaints from residents reporting that fireworks were continuously going off throughout the night. He informed the Sheriff's Department and wanted to



follow up. Deputy Sheriff Behm was aware of the complaint and informed Council that the department was looking into it as well as providing extra patrol on the east side of town. Deputy Sheriff Behm asked that residents call in right away when they hear fireworks go off so that patrol can investigate. Mayor Peterson suggested that the City posts the dispatch number on the City's Facebook page and encourage residents to call that number when they hear fireworks.

Council then discussed roundabout traffic issues and suggested that the sheriff's department watch out for and educate drivers who do not know how to properly use a multilane roundabout.

**Agenda Item #14: FY 2021 Budget | Brenton Holper, City Administrator**

Mr. Holper summarized the mill rates of a few cities in Cass County and explained how some cities offset their mill levies. Mr. Holper also provided an overview of the City of Horace's budget which showed every fund separately as well as the total revenue of all funds combined which is close to \$3.5M. The biggest revenue generator for the City is the sales tax fund. Mr. Holper pointed out that the total expenditure is \$3,5M which shows that the City is spending its revenue.

A new item for the FY 2021 budget is a combined administrative position that will be divided between the Park District, the Fire District, and the City. This person will help with the coordination and communication between the three entities.

Mr. Holper explained that the City is also working on establishing franchise fees with Cass County Electric and Excel Energy. The City already established franchise fees with cable providers. The City plans to transfer approximately \$125,000 from the general fund into the highway fund to compensate for the loss in fuel tax.

The City will have to increase water rates to improve the overall quality. Mr. Holper asked for the Council's feedback if they would prefer a step approach (incrementally going up every six months) or would they prefer the rates to increase right away or increase the rate after the water quality has been improved? Councilmember Schmidt suggested to wait for the water survey results to see what residents would prefer – a higher base rate and lower cost per every 1,000 gallons used or a lower base rate and a higher cost per every 1,000 gallons used. In general, Councilmember Schmidt would prefer a step approach. Councilmember Fenelon also preferred a step approach. Mr. Holper added that this would be calculated into the preliminary budget and can be changed before the final budget will be proposed to Council.

Resident Al Aamodt asked how much the water rates would increase? Mr. Holper responded that it would depend on which water improvement solution the City will chose (buying water in bulk from Cass Rural, updating Horace's water treatment facility, or a combination of both). Once the decision is made, the rates will be updated accordingly.

**Agenda Item #15: Old River Oxbow Drainage | Brenton Holper, City Administrator**

Mr. Dahlman presented the Old River Oxbow drainage issues. Mr. Dahlman explained that even though the area is marked as a wetland, state funding is not available for this project. There are several options available. On the north side, option one would be a clean out and reestablish the drain which is



estimated at \$39,000. Option two would be a five feet wide concrete channel liner, which will cost approximately \$174,000. Option three would be installing a drain line and a new duplex lift station. The estimated cost for option three is \$336,000.

On the south side, drainage improvements will be a little easier because there are less trees. Option one would be a clean out and reestablish the drain which is estimated at \$32,000. Option two would be a five feet wide concrete channel liner, which will cost approximately 128,000. Option three would be installing a drain line and a small new lift station. The estimated cost for option three is \$74,000.

Mayor Peterson asked where the split zone would be if a drain tile would be installed and if a grade could be constructed because the area is very flat? Mr. Dahlman explained that a grade could be manufactured with pipe and that 1,150 ft of pipe would be laid from Southwood to Sheyenne.

A resident asked who would fund this project and if the residents will be assessed the costs? Mr. Dahlman answered that the City is trying to figure out funding and that the City has discussed contributing to the project costs. Mr. Holper added that in the past, the City would assess the surrounding property owners (e.g. Maple Grove) but that the City will look at the sales tax fund and see if the costs could be split with property owners.

The resident also shared his experience with this drainage issues over the years and reported a nonfunctioning culvert outside of his house. Mr. Dahlman asked Council if they would like him to take a second look and provide a map of the area showing how the drainage solutions would benefit each area? Council agreed that that would be a necessary step. Mayor Peterson asked how dry the area would have to be for improvements? Mr. Dahlman explained that fall would be a good time.

#### **Agenda Item #16: Engineering / Public Works | Jim Dahlman, City Engineer**

Mr. Dahlman presented the street improvement options for the Sunnyside Addition. When the area was first inspected, the SSL to Fargo was not in place. The cost estimates were just updated and a new survey with the new budget will be send out to surrounding property owners to find out how many residents would be interested in connecting to the sewer line. Mr. Dahlman recommended to wait for the survey results before working on street improvements (e.g. patching, chip seal, etc.) because the street would have to be opened for the sewer installment anyway.

Mr. Dahlman then gave an update status of current construction projects.

- a. Water, Sanitary Sewer, Storm, Street and Drainage Improvement District 2019-5 (Visto) and Water, Sewer, Storm and Street District No. 2019-6 (Cub Creek First Addition) will have their final inspections on July 21, 2020.
- b. Sanitary, Storm, Sewer & Street Improvement District No. 2019-1 (Lakeview Drive and 79th Ave) are not meeting their completion deadline. Paving will be completed the week of July 20, 2020.
- c. The Middle School's single level and the second floor of the academic areas are near completion. Mr. Holper added that the School might ask for a temporary certificate of occupancy in the second week of August. The excess dirt is slowly being moved.



- d. Once the sewer is installed in the Lost River 5<sup>th</sup> Addition, the equipment will be moved over to Southdale Farms and construction will start.

**Agenda Item #17: City Administrator | Brenton Holper, City Administrator**

- a. The High School got a building permit to start the wall masonry but at their own risk because the City has not finished the plan review. The plans were updated several times which delayed the process. Working with a partial building permit allows progress to continue.
- b. Mosquito spraying took place on Saturday July 18, 2020. The City continues to monitor mosquito trap counts. Cass County does the preventative measures and the City makes sure the spraying continues when the trap counts get high – weather permitting. Some residents requested aerial spraying, but continuous truck spraying is more effective than one aerial application especially around the river areas where the tree canopy prevents coverage. Public Works is looking into a ground application options which would last up to a month.
- c. The Strategic Planning survey is being refined. It will be published on a platform called Polco. The City is looking to get general feedback from residents about living in Horace, what they like about it and what needs to be improved in the future.
- d. Building permits take a about a week to 10 days right now.
- e. City Hall planning has been delayed because of COVID-19. The plan is to do a site visit in the middle of August. The facility needs study will be done afterward.
- f. The City audit is on schedule and will be completed in August.

Councilmember Schmidt asked for an update on the post office. Mr. Holper responded that a building permit has not been granted because new plans were just submitted. The mobile unit outside City Hall has started service during the hours of 10:30am-12:30pm and 1:00pm-4:00pm.

**Agenda Item #18: Portfolio Reports**

- a. Mayor Peterson explained that the City of Leagues informed him that the annual conference will be a virtual conference this fall.
- b. Councilmember Koerselman – no updates.
- c. Councilmember Fenelon – no updates.
- d. Councilmember Johnson – absent.
- e. Councilmember Schmidt – no updates.

**Agenda Item #19: Adjourn**

**Motion:** Approve meeting adjourn at 7:55 pm.

**1st Motion:** Councilmember Schmidt

**2nd Motion:** Councilmember Koerselman

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

**The Next City Council Meeting is August 3, 2020 at 6:00 pm**