



Horace City Council Meeting Minutes

The Horace City Council met on January 18, 2022 @ 6:00 pm at Horace Fire Hall Event Center. Those present were Mayor Kory Peterson, Councilmember Naomi Burkland, Councilmember Jeffrey Trudeau, and Councilmember Chelsey Johnson. Councilmember Sarah Veit and Lukas Croaker joined the meeting via Teams. Others present included: Brenton Holper and Jim Dahlman.

Mayor Peterson called the meeting to order at 6:03 pm.
Mayor Peterson forwent the Pledge of Allegiance.

Agenda Item #3: Approve Regular Agenda

Motion: Approve the Regular Agenda.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

Agenda Item #4: Approve Consent Agenda

- a. Vendor Invoices
- b. Fund Balance Report & Income Statement
- c. Checks Written in December 2021

Motion: Approve the Consent Agenda.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Johnson

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

Agenda Item #5: Approval of City Council Meeting Minutes from January 3, 2022

Motion: Approve the January 3, 2022, City Council Meeting Minutes.

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Johnson

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

Agenda Item #6: Public Comment

Stephanie Landstrom asked that residents of the newly annexed area (Fradets, West Brook, and Lazy A subdivisions) would be allowed to run for City Council in the upcoming June 14, 2022, election. The new residents do not meet the current criteria set by the Century Code which states that a person must be a resident of Horace for nine months. The annexation plat was recorded on October 7, 2021. Ms. Landstrom asked that the annexed residents would be allowed to run in the election because the ordinance could be changed by the City Council. Other cities in the area have changed their city ordinance to accommodate eligibility in elections.

Mr. Croaker explained that Ms. Landstrom is correct and that the statute requests that a person must be a resident of a city for at least nine months before becoming eligible to run for office. He added that he did additional research and found a case in the State of Kentucky from 1899, where a piece of land was



annexed and residents who lived in the annexed area were immediately eligible if they had lived in the area for nine months prior to being annexed into the city. He explained that North Dakota does not follow other state's decisions. He recommended that the City Council would direct him to request the Attorney General's opinion on this matter, because annexations in North Dakota are rare and adding the 9-months resident requirement for elections makes this situation unique. He said he is not comfortable with changing election laws during an election cycle. He thinks that the first step should be looking at the residency instead of the election law which would be determined by the Attorney General.

The City Council discussed their opinions regarding changing an election law during an election cycle. Councilmembers Burkland and Johnson voiced concern that if the law is changed once, residents will expect that other laws would be changed as well. The Council agreed that Mr. Croaker should contact the Attorney General to get his opinion on changing the residency requirement for the upcoming election on June 14, 2022.

Motion: Direct the City Lawyer to Request an Opinion from the Attorney General Regarding Changing the Residency Requirement for the Upcoming June 14, 2022, Elections.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Veit

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

Agenda Item #7: Sheriff's Update | Craig Keller/Jake Murray, Cass County Sheriff's Department & Brenton Holper, City Administrator

The next Sheriff's Update will be presented during the February 7, 2022, City Council meeting.

Agenda Item #8: Lakeview Heights Fourth Addition – Plat | Lukas Croaker, City Attorney

Mr. Croaker explained that a public hearing must be held for the Lakeview Fourth Addition plat. Mayor Peterson opened the public hearing at 6:37 pm. Mr. Dahlman added that there will only be one access allowed on Lakeview Drive which was a request from the Planning and Zoning Commission. Mayor Peterson closed the public hearing at 6:38 pm.

Motion: Approve the Lakeview Fourth Addition Plat.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

Agenda Item #9: SSt. ID No. 2022-3 (Wall Ave. CR-17 to Bridge over Sheyenne River) | Lukas Croaker, City Attorney

Mr. Croaker explained that research was done regarding ownership of the properties on Wall Avenue between County Road 17 and the Sheyenne River. During the research, some issues were discovered when it comes to ownership of a couple of properties because the deeds were mishandled in the past. A quiet title action is required which will determine who owns which part of the properties because 15ft-33ft of property are currently undetermined.

Motion: Direct the City Attorney to Conduct a Quiet Title Action for the Armitage and Carpenter Properties.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Johnson

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



Agenda Item #10: Maple Lake Estates Addition - Phase Two | Jim Dahlman, City Engineer

Mr. Dahlman explained that the representative of the Maple Lakes Estates Addition as well as the developer sat down with the staff to clarify some of the questions that the City Council had regarding the planned subdivision which included creating one instead of two improvement districts. Mr. Dahlman summarized the planned infrastructure project.

Motion: Accept the Petition of Improvements for the Maple lakes Addition – Phase Two.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

Motion: Approve the Resolution Creating for the Water, Sewer, Storm and Street Improvement District No. 2022-5 (Maple Lake Estates Addition – Phase Two).

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Johnson

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

Motion: Direct the Engineer to Prepare Preliminary Engineering Report and Detailed Cost Estimate for the Water, Sewer, Storm and Street Improvement District No. 2022-5 (Maple Lake Estates Addition – Phase Two).

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Veit

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

Agenda Item #11: Water, Sewer, Storm and Street Improvement District No. 2022-1 (Visto Industrial Addition Paving) | Jim Dahlman, City Engineer

Mr. Dahlman presented the engineering services agreement for the Water, Sewer, Storm and Street Improvement District No. 2022-1 (Visto Industrial Addition Paving).

Motion: Approve the Engineering Services Agreement for the Water, Sewer, Storm and Street Improvement District No. 2022-1 (Visto Industrial Addition Paving).

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

Agenda Item #12: Water, Sewer, Storm and Street Improvement District No. 2022-4 (Lost River Seventh Addition) | Jim Dahlman, City Engineer

Mr. Dahlman presented the preliminary engineering report for the Water, Sewer, Storm and Street Improvement District No. 2022-4 (Lost River Seventh Addition). The plan is to start the project in the spring 2022.

Motion: Approve the Preliminary Engineering Report for the Water, Sewer, Storm and Street Improvement District No. 2022-4 (Lost River Seventh Addition).

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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



Motion: Direct the Engineer to Prepare Preliminary Detailed Plans and Specifications for the Water, Sewer, Storm and Street Improvement District No. 2022-4 (Lost River Seventh Addition).

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Burkland

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

Agenda Item #13: City Hall Planning | Brenton Holper, City Administrator

Mr. Holper explained that Horace's City Hall is currently being remodeled creating additional office space. On January 3, 2022, all City meetings started to take place at the Fire Hall Event Center. The Fire District agreed that the City of Horace can hold meetings in their facility temporarily, but not long-term. The current City Hall will not be spacious enough to accommodate additional staff in the future and the space does not allow for official meetings which means a bigger space will be needed.

Mr. Holper summarized how the City of Horace would pay for a bigger facility. Horace has a Building Authority which consists of the City Council. The Building Authority would take out a construction loan. Once the construction is complete, the Building Authority would permanently bond the money and establish a payment schedule.

The new building would be paid off by the Horace's public facilities fund. The City's administrative fees are paid into the public facilities fund. The administrative fee is charged for new developments but not for water or sewer projects. The plan is to not use special assessment or property taxes to pay for the construction of a new city hall building.

Legal prepared a memo for the City Council which explains three processes that are allowed by the Century Code. Public involvement would be requested for this process. Mr. Holper summarized what the timeline of the project could look like.

Agenda Item #14: Sign Ordinance | Lukas Croaker, City Attorney

Mr. Croaker explained that there were no changes made to the Sign Ordinance since the first reading.

Motion: Approve the Second Reading of the Sign Ordinance.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Burkland

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

Agenda Item #15: Block Length Ordinance | Lukas Croaker, City Attorney

Mr. Croaker explained that there were no changes made to the Block Length Ordinance since the first reading.

Motion: Approve the Second Reading of the Block Length Ordinance.

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Johnson

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

Agenda Item #16: Water, Sewer, Storm and Street Improvement District No. 2020-2 (82nd Avenue) | Jim Dahlman, City Engineer

Mr. Dahlman explained that mailbox cluster units for the lots along 81st Avenue (82nd Avenue) were not included when the project was constructed. Change order number four for the Water, Sewer, Storm and Street Improvement District No. 2020-2 (82nd Avenue) project will add 3 to 12 unit mailboxes.



Motion: Approve the Change Order Number Four for the Water, Sewer, Storm and Street Improvement District No. 2020-2 (82nd Avenue).

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

Agenda Item #17: City's Website Privacy Policy | Brenton Holper, City Administrator & Lukas Croaker, City Attorney

Mr. Holper explained that Mr. Croaker drafted a privacy policy for the City's new website. Mr. Croaker explained that the public will need to be aware who they are sending their information. The policy also explains cookies, data analysis, etc. It is a standard one-page policy that will need to be accepted by the City Council.

Motion: Approve the City's Website Privacy Policy.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Burkland

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

Agenda Item #18: Engineering/Public Works | Jim Dahlman, City Engineer

- a. Mr. Dahlman explained that a public information meeting was held on December 13, 2021, about the planned Wall Avenue street improvements. After the meeting, a memo was prepared summarizing the projects, the public input meeting, and the four letters that the City received protesting the street improvement projects.
- b. Mr. Dahlman summarized a second memo that was prepared for the redesign of the street entrance to the Apple Orchard subdivision. He said that he will send the memo to the City Council for review.

Agenda Item #19: City Administrator | Brenton Holper, City Administrator

- a. The City's new website went live. Staff continues to work on adding more content.
- b. The remodel of City Hall continues.
- c. A fence was damaged inside the Terra Gardens subdivision during snow removal. The damage is being addressed and the staff is working with the City's insurance company to get the issue resolved.

Agenda Item #20: Portfolio Reports

- a. Mayor Peterson met with Mayor Mahoney and Mayor Dardis to discuss the future of Fargo, West Fargo, and Horace. They plan to get together on a regular basis and hope that the Mayors of Moorhead and Dilworth will join them.
Mayor Peterson attended the FM Chamber of Commerce State of the Cities event which was attended by 680 people.
- b. Councilmember Veit – no update.
- c. Councilmember Burkland reminded everyone that there will be a steering committee meeting for the Horace 150th anniversary. The meeting will take place on Thursday, January 20, 2022, at the Horace Lutheran Church at 7:00 pm. Everyone is welcome to join.
- d. Councilmember Johnson – no update.
- e. Councilmember Trudeau – no update.



Agenda Item #21: Adjourn

Motion: Approve Meeting Adjourn at 7:46 pm.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

The next Horace City Council meeting is scheduled for **Monday, February 7, 2022, at 6:00 pm.**

The meeting will take place at the **Horace Fire Hall Event Center** located at 314 Main Street.