



## **Horace City Council Meeting Minutes**

The Horace City Council met on June 20, 2022 at 6:00 p.m. at the Horace Fire Hall Event Center.

Those present were Mayor Kory Peterson, Councilmember Chelsey Johnson, Councilmember Naomi Burkland, Councilmember Sarah Veit, and Councilmember Jeffrey Trudeau. Others present included: Brenton Holper, Jace Hellman, Jim Dahlman, and Lukas Croaker.

Mayor Peterson called the meeting to order at 6:04 p.m.

The Pledge of Allegiance was recited.

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

**Motion:** Approve the Regular Agenda with Agenda Item #11 Water, Sewer, Storm, and Street Improvement District No. 2018-3 (Terra Gardens First Addition) Final Pavement Lift and Miscellaneous Street Patching Tabled; with Agenda Item #13b Annexation 2<sup>nd</sup> Reading added; and with Agenda Item #18.5 ISR Home Agreement added

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

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

**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 May 2022

**Motion:** Approve the Consent Agenda

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

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

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

### **Agenda Item #5: Approval of the City Council Meeting Minutes from June 6, 2022**

**Motion:** Approve the City Council Meeting Minutes from June 6, 2022

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

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

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

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

Resident Myron Cusey stated that he would prefer that the City not do the curb and gutter along Wall Avenue. He expressed concerns regarding lowering the road and partially filling the ditch. He suggested having a combined walkway and bike path instead of a separate walking path.

Further discussion was had about core samples, with Mr. Dahlman stating that samples were obtained at 31 and 16 feet, with clay at 29 feet.

### **Agenda Item #7: Sheriff's Update | Craig Keller & Jake Murray, Cass County Sheriff's Department**

Deputy Keller provided an update for May 2022, stating that he had issued several parking citations, along with citations for trailers parked in front of a fire hydrants, and that he recently stopped three young adults who were riding dirt bikes in the ditches. Discussion was also had regarding a recent murder suspect from California who was arrested in Horace, but Deputy Keller did not have further details, as he was on night shift.



Deputy Keller read a letter regarding Active Shooter Training from Sheriff Jahner, stating that training in Kindred was available for Horace residents and to let him know if you are interested in the training.

Councilmember Veit confirmed that 10 juveniles were on their bikes in construction areas and stated that she would like to provide a youth activity to keep them out of trouble. She also asked if the juveniles were causing trouble or having a good time, to which Deputy Keller responded they were having a good time but that it is usually their driving habits that attract attention and complaints.

He showed monthly comparisons of types of reports, stating that burglaries went from 18 to 13 from 2020 to 2021. He stated that he could provide a document of the information if requested.

Mayor Peterson thanked the Cass County Sheriff's Office for posting speed monitors on Wall Avenue and Councilmember Veit stated that she is pleased with the police presence and the preventative measures the Cass County Sheriff's Office is taking.

**Agenda Item #8: Special Assessment Policy | Brenton Holper, City Administrator & Dylan Brown, Stantec**

Mr. Holper presented a continuation of the Special Assessment Policy regarding load factors that had been discussed at the June 6 Council meeting. Dylan Brown, Stantec, provided information on the method used to develop load factor numbers, stating that the initial method calculated the gross floor area, which works for existing structures, but which turned out to be clunky with inaccurate numbers. He explained that by changing it to 'per acre,' it was made more accurate and allowed them to take a closer look at the schools, which had previously been factored as urban schools, but which are suburban.

Councilmember Veit asked if Mr. Brown believed commercial should still be higher than the schools, to which he replied yes, due to commercial areas operating on a yearlong basis.

Councilmember Burkland inquired about West Fargo changing its factoring, to which Mr. Holper explained that his understanding is that they are no longer moving forward. She also stated that she trusts Mr. Brown's recommendation. Councilmember Johnson asked for clarification about how these items are broken down, and Councilmember Trudeau stated that he agrees they should change the factors of the parks, and even though he is concerned that commercial is high, he will support the Council's decision, as he is comfortable with the documentation provided.

**Motion:** Approve the Special Assessment Policy with changing the load factoring for public streets from a 1 per parcel to a 5 per acre

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

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

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

**Agenda Item #9: Temporary Refunding Improvement Bonds Series 2022A – Parameters Resolution | Lukas Croaker, City Attorney**

Mr. Croaker presented the Parameters Resolution for the Temporary Refunding Improvement Bonds Series 2022A, stating that the Council will establish a committee comprised of the Mayor and the Auditor. He stated that there are nine covered projects and that five of the nine projects will be backed by letters of credit. The total cost will be \$56 million for all projects with a 3% increase built in, with interest that cannot exceed 4.95%. Mike Mastron, Colliers, explained that the bond and the committee's purpose is to obtain a price on a dip during these volatile times. He stated that they would start paying off the bonds as soon as possible.

Councilmember Veit asked Mr. Mastron what would happen if temporary bonding interest rates doubled, to which he explained that creative bonding would then be sought.



Mr. Holper stated that the Deer Creek Letter of Credit was expected to come in possibly by Wednesday.

**Motion:** Approve the Parameters Resolution for the Temporary Refunding Improvement Bonds Series 2022A As Proposed

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

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

**Action taken:** Roll call. All in favor (4-0), none opposed. Motion carried.

**Agenda Item #10: Water, Sewer, Storm, and Street Improvement District No. 2021-3 (Lakeview Addition) | Jim Dahlman, City Engineer**

Mr. Dahlman presented information regarding the Water, Sewer, Storm, and Street Improvement District No. 2021-3 (Lakeview Addition), in which ND Investment Company, LLC, requests the City of Horace pay for Casey's north concrete driveway in exchange for them eliminating their north driveway access easement on County Road 17. He presented a map of the area and explained that he had input different scenarios into the design software, stating that the number is conservative in today's market. Mr. Croaker suggested that a temporary easement agreement with drawings be written in case of future issues. Councilmember Veit expressed concern regarding muddy areas.

**Motion:** Approve the Driveway Agreement with ND Investment Company, LLC (Casey's North Driveway) with attachments and paid with Sales Tax Funds

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

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

**Action taken:** Roll call. All in favor (4-0), none opposed. Motion carried.

**Agenda Item #11: Water, Sewer, Storm, and Street Improvement District No. 2018-3 (Terra Gardens First Addition) Final Pavement Lift and Miscellaneous Street Patching | Jim Dahlman, City Engineer**

Item was tabled.

**Agenda Item #12: Water, Sewer, Storm, and Street Improvement District No. 2022-8 (66th Street) | Jim Dahlman, City Engineer**

Mr. Dahlman presented street layout alternatives for the Water, Sewer, Storm, and Street Improvement District No. 2022-8 (66th Street) project and discussion was had regarding the benefits of a 2- and 3-lane road. Councilmember Veit expressed concern regarding emergency vehicle access, young drivers, the amount of traffic, and that residents were presented with different information than is currently presented, to which Mr. Dahlman explained that it was changed due to cost. Mr. Holper pointed out that with a smaller road, having a shared use path on both sides makes it easier for residents to not have to cross the road, as well as encourages pedestrian use. Mayor Peterson reminded the Council that larger roads also cost more. A final decision for a 3-lane road with no parking was made.

**Agenda Item #13: Cub Creek 2nd Addition | Lukas Croaker, City Attorney**

Mr. Croaker presented the Cub Creek 2nd Addition Rezone 2<sup>nd</sup> Reading without changes.

**Motion:** Approve the Cub Creek 2<sup>nd</sup> Addition Rezone 2<sup>nd</sup> Reading As Proposed

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

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

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

**Agenda Item #13b: Annexation 2<sup>nd</sup> Reading Part of Section 13 and Section 24, Township 138 North, Range 50 West; Part of Section 18 and Section 19, Township 138 North, Range 49 West, Cass County, ND | Lukas Croaker, City Attorney**

Mr. Croaker presented the Annexation 2<sup>nd</sup> Reading for Part of Section 13 and Section 24, Township 138 North, Range 50 West; Part of Section 18 and Section 19, Township 138 North, Range 49 West, Cass County, ND.



**Motion:** Approve the Annexation 2<sup>nd</sup> Reading Part of Section 13 and Section 24, Township 138 North, Range 50 West; Part of Section 18 and Section 19, Township 138 North, Range 49 West, Cass County, ND

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

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

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

**Agenda Item #14: Parking Ordinance | Brenton Holper, City Administrator**

Mr. Croaker assisted Mr. Holper in presenting the Parking Ordinance 1<sup>st</sup> Reading. He explained that he and Mr. Holper met with the Cass County Sheriff's Office and that the sheriff requested including the redlined version in the definition of trailer. He also explained that the No Parking signs will not have dates and he recommended that the City decide where parking signs will be posted. He explained the details of the redlined ordinance, stating that posting parking signs will make things more efficient and assist residents in relying more on signs.

**Motion:** Approve the Parking Ordinance 1<sup>st</sup> Reading

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

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

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

**Agenda Item #15: Special Event Permit | Brenton Holper, City Administrator & Stephen Horton, Fire Chief**

Mr. Holper presented a request from Big Erv's for a fireworks display at midnight during their Johnny Holm concert on June 25, stating that the Fire Department reviewed the request and supports the permit. Discussion was had regarding having such a loud event at such a late hour and Mayor Peterson requested that residents be alerted of the event, as well as requesting that the fireworks to be completed by 11:00 p.m.

**Motion:** Approve the Special Event Permit for Big Erv's Fireworks to Be Completed By 11 p.m.

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

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

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

**Agenda Item #16: Food Truck and Vendor Permits | Brenton Holper, City Administrator**

Mr. Holper presented a request for Food Truck and Vendor Permits for Lupe's Tasty Tacos and Uncle Jesse's Produce.

**Motion:** Approve the Food Truck and Vendor Permits for Lupe's Tasty Tacos and Uncle Jesse's Produce

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

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

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

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

Mr. Holper presented the 2<sup>nd</sup> Reading of the Food Truck Ordinance, which will allow City of Horace staff to issue permits to food vendors without Council approval.

**Motion:** Approve the 2<sup>nd</sup> Reading of the Food Truck Ordinance

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

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

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

**Agenda Item #18: Resolution of Rates | Brenton Holper, City Administrator**

Mr. Holper presented Utility Rate updates, showing three tiers from May to September that will curb excess water usage and will be more consistent with Cass Rural Water: Tier 1 for 0 to 5,999 gallons at \$5.40; Tier 2 for 6,000 to 9,999



gallons at \$6.40; and Tier 3 for over 10,000 gallons at \$7.40. He stated that all water usage from October to April is \$5.40 and that Water Tap Fees are a one-time fee of \$750.00. He explained that Sewer rates did not change, Garbage was \$12 for extra collection, and Forestry and Vector rates did not change. Councilmember Burkland stated that she feels the change will be a shock for residents of Old Horace, but that they will now understand what their fellow residents with Cass Rural Water have been paying for years. She asked Mr. Holper what the schools use, and he said their rates are based on the type of meter. The new rates will be effective on October 1, 2022.

**Motion:** Approve the Resolution of Utility Rates

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

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

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

**Agenda Item #18.5: ISR Home Agreement | Lukas Croaker, City Attorney**

Mr. Croaker presented an update regarding the ISR Home on Cottonwood Boulevard that was built on the property line and denied a variance, stating that he was contacted by the builder's attorney and informed that the home would be moved to a vacant lot and the concrete will be redone. The builder is requesting a 30-day extension, so Mr. Croaker is seeking permission to prepare a letter to allow the extension.

**Motion:** Approve the ISR Home 30-day extension request and authorize the City Attorney to respond on behalf of the City

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

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

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

**Agenda Item #19: Engineering/Public Works | Jim Dahlman, City Engineer**

Mr. Dahlman provided an update regarding Wall Avenue and the Water Replacement Project summary. He stated that he is waiting for appraisals and that the storm sewer design is moving forward. He stated that the east side of Wall Avenue has been halted so that they can concentrate on the west side. Councilmember Veit expressed concern regarding this as well as a drop-off from the bridge to the road, but Mr. Dahlman explained that it would be gradual. Councilmember Johnson expressed concern regarding the cost of the special assessment for the curb and gutter, to which Councilmember Veit stated that the City has been reasonable and it would be worse in the long run without it.

Mr. Dahlman stated that there would be watermain testing on Tuesday morning, and that time will be spent working on the roads, in which four inches will be removed from the top along with implementing a trench size limit. A second crew will be added next week to secure easements, and landscaping will begin in the next couple of weeks.

**Agenda Item #20: City Administrator | Brenton Holper, City Administrator**

Mr. Holper announced that the Finance Director has submitted her resignation, so he is working with Baker Tilly and has provided them with a job profile, which should be posted this week. Costs to Baker Tilly would cover job posting and traveling for the recruiter.

He provided an update for the sound masking system, which will be installed on Wednesday and Thursday this week after being delayed due to incorrect speakers.

He also announced that election results must be certified 13 days following an election, so they would be certified in a special meeting on Monday, June 27. An organizational meeting would be held the next day to swear in and re-swear in the new and re-elected council members. He will work out the location and will let the Council know. The meeting will also be available via Teams.



**Agenda Item #21: Portfolio Reports**

- a. Mayor Peterson thanked Councilmember Johnson for her years of served and welcomed Stephanie Landstrom and welcomed back Sarah Veit to Council. He stated that he would schedule an orientation with Stephanie. He also shared that he has budget meetings next week and is looking forward to the Dairy Queen that is set to open in October.
- b. Councilmember Veit thanked Councilmember Johnson for her time on Council, welcomed Stephanie Landstrom, and thanked Grant Alex for putting his name in the hat with a tasteful campaign. She apologized to the adjacent table for the pressure she puts on them and stated that she attended ATV meetings last week. She also stated that she is excited for Dairy Queen.
- c. Councilmember Burkland shared that the next Horace 150 meeting is on July 7 at the Horace Lutheran Church Social Hall. She later thanked Councilmember Johnson for her time and congratulated Stephanie Landstrom and Councilmember Veit.
- d. Councilmember Johnson congratulated Stephanie Landstrom and Councilmember Veit, stating she has experienced personal growth and has much more respect for having served an often-thankless community. She thanked the City staff for their ongoing hard work in a similar situation, and she thanked Councilmember Veit for helping to push tree planting in Horace.
- e. Councilmember Trudeau thanked Councilmember Johnson for her time and congratulated Stephanie Landstrom and Councilmember Veit. He said he spoke with Cass County Vector Control regarding their process and asked that if you have a lot of standing water in your yard to let them know. He also met with MetroCOG and we have received approval for additional funding. Finally, Mr. Paschke from Xcel Energy informed him that Xcel employees would do volunteer projects in Horace such as painting picnic tables and beautifying the city.

**Agenda Item #21: Adjourn**

**Motion:** Approve Meeting Adjourn at 8:44 p.m.

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

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

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

The next Horace City Council meeting is scheduled for **Tuesday, July 5, 2022, at 6:00 p.m.**  
The meeting will take place at the **Horace Fire Hall Event Center** located at 413 Main Street.