



HORACE CITY COUNCIL MEETING MINUTES

The Horace City Council met on June 6, 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, and 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 6:00 p.m.
The Pledge of Allegiance was recited.

AGENDA ITEM #3: APPROVE REGULAR AGENDA

Motion: Approve the Regular Agenda with Agenda Item #20b Food Truck and Vendor Permits for Jesse's Produce Stand removed and adding the Resolution Directing Engineer to Prepare the Report for Agenda Item #12: Cub Creek 2nd Addition

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

AGENDA ITEM #4: APPROVE CONSENT AGENDA

Motion: Approve the Consent Agenda

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

AGENDA ITEM #5: APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM MAY 16, 2022

Motion: Approve the City Council Meeting Minutes from May 16, 2022

1st Motion: Councilmember Veit

2nd Motion: Councilmember Johnson

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

AGENDA ITEM #6: PUBLIC COMMENT

Roger Mammenga presented a concern with damage to his yard, stating that he spoke to KPH, Inc. and Eric Larson at Interstate Engineering. Councilmembers viewed photos of construction work that was left unfinished in his yard, including an unfinished sprinkler seal. He said that one construction worker swore at him when he told them they were working in the wrong area. Mr. Dahlman stated that there were outstanding issues including a leak that they were monitoring over the past year, and that he would bring up these concerns at the next construction meeting. Councilmember requested that construction employees remain respectful to homeowners.

Doug Leier, who resides at 112th South and County Road 17, presented a concern regarding the mud pit that forms when it rains, stating that he would like to have gravel poured over the area. Mr. Dahlman stated that work had already been planned to be completed in that area the following week.

Resident Mary Beth Colvin requested new signs be posted for Westbrook Drive as well as checking the consistency with plats. She also expressed concern regarding dust control on Wall Avenue, stating that she cannot open windows and has to use air conditioning because the dust from high speeds on the road exacerbate health concerns. Mr. Dahlman stated that there are plans to work on the road.

Resident Martin Hochhalter shared that resident Doug Leier is not in city limits. Mayor Peterson requested that Mr. Dahlman research the location to verify.



AGENDA ITEM #7: SHERIFF'S UPDATE | CRAIG KELLER/JAKE MURRAY, CASS COUNTY SHERIFF'S DEPARTMENT
No report.

AGENDA ITEM #8: SPECIAL ASSESSMENT POLICY | DYLAN BROWN, STANTEC

Mr. Holper presented information regarding a recent meeting with the school district, in which the school district raised concerns primarily regarding the load factoring. In response, the adjustments to the load factoring were made to propose to the City Council for churches, schools, commercial, and industrial, decreasing the load factor per acre and increasing the number for public facilities to 5 per acre. Councilmember Veit asked for clarification of street use factor, as she felt the school roads will have a greater load factor than church roads. She stated that it felt like the City was taking a step backwards and that the school is directing the City. She stated that she felt Mr. Brown originally had an appropriate plan with the school number at 45 per acre.

Councilmember Burkland expressed concern regarding the schools' article in the Forum newspaper, stating that she feels the West Fargo School District should assume more costs. She also asked why the school's number was not closer to 25 per acre like commercial, stating that there comes a time to no longer compromise.

Councilmember Johnson stated that the school has historically disagreed with the City, stating that she agreed with Councilmember Veit.

Mayor Peterson stated that it seemed an ultimatum was being given by the school and that they would not build another school if a lower load factoring was not used. Mayor Peterson suggested tabling the item to meet with the school again.

Mr. Holper stated that the City needs to stand behind its policy with the load factoring in chooses to use.

Item was tabled, no action taken.

AGENDA ITEM #9: SEWER, STORM, AND STREET IMPROVEMENT DISTRICT NO. 2022-10 (CHESTNUT DRIVE) | LUKAS CROAKER, CITY ATTORNEY

Mr. Croaker presented information regarding the Sewer, Storm, and Street Improvement District No. 2022-10 Project and discussion was had regarding the status. Mayor Peterson opened the public hearing at 7:19 p.m. Councilmember Veit stated that we have been reasonable and that some of the residents who wrote letters did not attend the meetings. Mayor Peterson closed the public hearing at 7:22 p.m.

Motion: Approve the Resolution Determining Insufficient Protests for the Sewer, Storm, and Street Improvement District No. 2022-10 (Chestnut Drive) Project

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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

Motion: Approve the Resolution Directing Engineer to Prepare Plans & Specifications for the Sewer, Storm, and Street Improvement District No. 2022-10 (Chestnut Drive) Project

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Johnson

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



AGENDA ITEM #10: ANNEXATION – 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 1st 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. He stated that there would be two readings and that the mayor would certify after the 2nd Reading. Russ Sahr, Planning and Zoning Commission Chair, asked how it worked for extraterritorial areas and Mr. Croaker explained that the area would just be extended.

Motion: Approve the Annexation 1st 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

1st Motion: Councilmember Veit

2nd Motion: Councilmember Johnson

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

AGENDA ITEM #11: WATER, SEWER, STORM, AND STREET IMPROVEMENT DISTRICT NO. 2022-8 (66TH STREET) | JIM DAHLMAN, CITY ENGINEER

Mr. Dahlman presented information regarding the Water, Sewer, Storm, and Street Improvement District No. 2022-8 (66th Street) Project. He stated that residents were in favor of a fence on 66th Avenue and discussed the type of fence that would be constructed. He also stated that a storm sewer would provide relief for drainage. The proposal is for \$16,389.00 geotechnical evaluation for soil borings analysis.

Motion: Approve the Geotechnical Evaluation Proposal for Soil Borings and Analysis along the Corridor for the Water, Sewer, Storm, and Street Improvement District No. 2022-8 (66th Street) Project

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

AGENDA ITEM #12: CUB CREEK 2ND ADDITION | JACE HELLMAN, COMMUNITY DEVELOPMENT DIRECTOR

Mr. Hellman presented information regarding the Cub Creek 2nd Addition Plan and Rezone, stating that the Planning and Zoning Commission voted to approve the R-6 and R-4 rezone on April 12, 2022. He stated that on May 5, 2022 he met with the applicant but because a bike path and pedestrian connection already exists, plus the extra cost it would present, it was concluded that it is not feasible at this time.

Staff recommended that the Council approve the rezone as-is and Mayor Peterson opened the public hearing at 7:43 p.m. Discussion was had regarding the plat and rezone being completed at the same time. Councilmember Johnson asked why the crosswalk was not approved crossing drain 27 and Mr. Hellman explained that the sidewalk will connect 83rd Avenue and 88th Avenue access in the future. Councilmember Veit expressed concern about block length, but Mr. Holper explained that City Ordinance allowed for it due to drain 27 and right of way for bike paths. Mayor Peterson closed the public hearing at 7:52 p.m.

Motion: Approve the Plat and Rezone for Cub Creek 2nd Addition As-Is

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

Motion: Approve the Resolution Directing Engineer to Prepare Report for Cub Creek 2nd Addition

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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



AGENDA ITEM #13: WATER, SEWER, STORM, AND STREET IMPROVEMENT DISTRICT NO. 2022-1 (VISTO INDUSTRIAL ADDITIONS PAVING) | JIM DAHLMAN, CITY ENGINEER

Mr. Dahlman presented information regarding the Plans & Specifications for the Water, Sewer, Storm, and Street Improvement District No. 2022-1 (Visto Industrial Additions Paving). A property owner who was present expressed that he did not feel the road needed to be paved and that residents are unaware of what is going on. Mr. Dahlman requested approval of the Plans and Specifications and explained the next steps in the process, also requesting it be approved with a contingency upon a letter of credit from the developer.

Motion: To Approve the Plans & Specifications for the Water, Sewer, Storm, and Street Improvement District No. 2022-1 (Visto Industrial Additions Paving)

1st Motion: Councilmember Veit

2nd Motion: Councilmember Johnson

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

Motion: To Authorize the Auditor to Advertise for Bids for the Water, Sewer, Storm, and Street Improvement District No. 2022-1 (Visto Industrial Additions Paving)

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

AGENDA ITEM #14: WATER, SEWER, STORM, AND STREET IMPROVEMENT DISTRICT NO. 2022-5 (MAPLE LAKE ESTATES ADDITION – PHASE II) | JIM DAHLMAN, CITY ENGINEER

Mr. Dahlman presented the bid information for the Water, Sewer, Storm, and Street Improvement District No. 2022-5 (Maple Lake Estates Addition – Phase II) Project, stating that KPH, Inc. presented the lowest bid at \$3,701,000.00. Councilmember Veit revisited her earlier concern with KPH, Inc. employees interacting unfavorably with residents and Mayor Peterson stated that while he did not want to stop the bid, he wants a conversation to take place. Councilmember Johnson requested that Mr. Dahlman attend meetings to provide water project updates.

Motion: To Award Water, Sewer, Storm, and Street Improvement District No. 2022-5 (Maple Lake Estates Addition – Phase II) Project to the Lowest Responsible Bidder – KPH, Inc.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Burkland

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

AGENDA ITEMS #15, 16, 17: WATER, SEWER, STORM, AND STREET IMPROVEMENT DISTRICT NO. 2022-6 (SOUTHDALE FARMS FOURTH ADDITION); WATER, SEWER, STORM, AND STREET IMPROVEMENT DISTRICT NO. 2022-7 (SOUTHDALE FARMS FIFTH ADDITION); AND SOUTHDALE FARMS POCKET PARK | JIM DAHLMAN, CITY ENGINEER

Mr. Dahlman presented Water, Sewer, Storm, and Street Improvement District No. 2022-6 (Southdale Farms Fourth Addition), the Water, Sewer, Storm, and Street Improvement District No. 2022-7 (Southdale Farms Fifth Addition), and the Southdale Farms Pocket Park Project bids. He requested that it be rewarded to the lowest responsible bidder contingent upon a letter of credit from the developer.

Motion: To Award Water, Sewer, Storm, and Street Improvement District No. 2022-6 (Southdale Farms Fourth Addition), the Water, Sewer, Storm, and Street Improvement District No. 2022-7 (Southdale Farms Fifth Addition), and the Southdale Farms Pocket Park Projects to the Lowest Responsible Bidders Contingent Upon Letter of Credit from Developer

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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



AGENDA ITEM #18: WATER, SEWER, STORM, AND STREET IMPROVEMENT DISTRICT NO. 2021-5 (ARROWWOOD THIRD ADDITION) | JIM DAHLMAN, CITY ENGINEER

Mr. Dahlman presented the bids for the Water, Sewer, Storm, and Street Improvement District No. 2021-5 (Arrowwood Third Addition), requesting to rebid and reject awarding the project to the lowest responsible bidder.

Motion: To Rebid and Reject Awarding the Water, Sewer, Storm, and Street Improvement District No. 2021-5 (Arrowwood Third Addition) Project to the Lowest Responsible Bidder

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Johnson

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

AGENDA ITEM #19: WATER IMPROVEMENT DISTRICT NO. 2021-6 (HORACE PROPER WATER LINE REPLACEMENT) | JIM DAHLMAN, CITY ENGINEER

Mr. Dahlman presented information regarding the Water Improvement District No. 2021-6 (Horace Water Line Replacement), in which the contractor is requesting a cost increase due to oil cost increases. Councilmember Veit expressed that while there have been extraordinary circumstances, she is concerned regarding changing the amount of the initial bid. She proposed splitting the cost with the City. Councilmember Johnson expressed concern regarding not having asphalt work completed last fall. Mr. Dahlman suggested tabling the item.

Item was tabled, no action taken.

AGENDA ITEM #20: FOOD TRUCK AND VENDOR PERMITS | BRENTON HOLPER, CITY ADMINISTRATOR

The food truck request for Uncle Jesse's Produce food stand was removed from the agenda due to waiting for the application to be submitted. Mr. Holper presented a food truck application for Adibon.

Motion: To Approve the Application for a Food Truck Permit for Adibon

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Burkland

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

AGENDA ITEM #21: FOOD TRUCK ORDINANCE | BRENTON HOLPER, CITY ADMINISTRATOR

Mr. Holper presented a 1st Reading for a Food Truck Ordinance Amendment, in which permission would be granted to the City Administrator and City staff to approve food truck permit requests. Councilmember Burkland stated that she did not feel the requests needed to be presented to City Council.

Motion: To Accept the 1st Reading for the Food Truck Ordinance Amendment

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Burkland

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

AGENDA ITEM #22: LIQUOR LICENSE RENEWALS | BRENTON HOLPER, CITY ADMINISTRATOR

Mr. Holper presented Liquor License Renewals for Big Erv's, Casey's, and The Grove.

Motion: To Approve Liquor License Renewals for Big Erv's, Casey's, and The Grove

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Veit

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



AGENDA ITEM #23: BIG ERV'S EVENTS REQUESTS | BRENTON HOLPER, CITY ADMINISTRATOR

Mr. Holper presented a request from Big Erv's for a street closure and Special Events permit for a Johnny Holm concert to be held on June 25. Councilmembers expressed concern regarding Big Erv's advertising of the event prior to obtaining a permit, as well as the delay in requesting a permit. Fire Chief Stephen Haycraft requested that events held on Main Street not block a route for fire trucks to respond to emergencies.

Motion: To Approve the Request for Street Closure and the Special Events Permit for June 25, 2022

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

AGENDA ITEM #24: CASS COUNTY VECTOR CONTROL AGREEMENT | BRENTON HOLPER, CITY ADMINISTRATOR

Mr. Holper presented the Cass County Vector Control Agreement declaring a partnership for mosquito control between the City of Horace and the Cass County Government.

Motion: To Approve the Cass County Vector Control Agreement as proposed

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Johnson

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

AGENDA ITEM #25: EMPLOYEE HANDBOOK AMENDMENT | BRENTON HOLPER, CITY ADMINISTRATOR

Mr. Holper presented Employee Handbook Amendments regarding safe IT practices, snow days, the Employee Assistance Program, combining vacation and sick leave to become PTO, and Mayor Peterson assuming the Human Resources portfolio. Councilmember Burkland expressed concern regarding leaving the sole duties Human Resources portfolio to the mayor and suggested that Councilmember Trudeau serve as the HR representative. Discussion was held regarding appropriate verbiage to identify the HR role. The council requested that the HR portfolio remain.

Motion: To Approve the Employee Handbook Amendment with Adjustments

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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

AGENDA ITEM #26: EMPLOYEE BENEFITS | BRENTON HOLPER, CITY ADMINISTRATOR

Mr. Holper presented information regarding Employee Health Insurance Cost Share Change for Family Coverage, in which a comparison to other cities was presented, as well as a request for an additional cost of living adjustment for employees due to inflation. Mr. Holper's concern was that employee candidates can get better coverage in other cities. Councilmember Veit expressed concern regarding an incentive to provide another cost-of-living adjustment when improvements at the City are needed. Councilmembers Veit and Burkland shared that they are in the same situation and would also like cost-of-living adjustment for their jobs, but they do not feel this is fair, especially at a time when residents are being asked for special assessments. Councilmember Johnson expressed disagreement with Councilmember Veit regarding the hard work from current staff members. Mayor Peterson stated that he wants to make sure the City treats staff well and that the issue of cost of living would be reintroduced down the road.

Motion: To Approve Employee Health Insurance Cost Share Change for Family Coverage from 60% to 75% and to Table Cost of Living Adjustment

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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



AGENDA ITEM #27: ENGINEERING / PUBLIC WORKS | JIM DAHLMAN, CITY ENGINEER

Mr. Dahlman presented summary sheets regarding 82nd, Lost River, the Water Replacement Project main flushing, and the Wall Avenue project.

AGENDA ITEM #28: CITY ADMINISTRATOR | BRENTON HOLPER, CITY ADMINISTRATOR

Mr. Holper presented the ISO ratings for inspections and fire coverage. He will be sending a letter requesting a delay for the fire ISO. The ISO rating for building inspections has improved, going from 9 to 5. Fargo is at a 4. He reminded residents of the elections on June 14. He also shared that the fence on Park Drive is complete, with Public Works providing some of the repairs, which decreased the price. He and Lukas were working with the Sheriff's department to review the parking ordinance.

AGENDA ITEM #29: PORTFOLIO REPORTS

- a. Mayor Peterson stated that the graduation parade was enjoyable and for residents to contact the City if they would like street closures for block parties.
- b. Councilmember Veit stated that she also enjoyed the parade; she requested jake brake signage and requested a discussion to protect pond areas to prevent injuries to children.
- c. Councilmember Burkland discussed creating a plan for the 150th and ensuring safety on the roads. She also discussed upkeeping city parks.
- d. Councilmember Johnson: No updates
- e. Councilmember Trudeau presented a question to Jim regarding testing the pumps for the lakes in Maple Lakes

AGENDA ITEM #30: ADJOURN

Motion: Approve Meeting Adjourn at 10:14 p.m.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Johnson

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

The next Horace City Council meeting is scheduled for **Monday, June 20, 2022 at 6:00 p.m.**
The meeting will take place at the **Horace Fire Hall Event Center** located at 413 Main Street.