



HORACE CITY COUNCIL MEETING MINUTES

The Horace City Council met on May 2, 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 6:02 p.m.
The Pledge of Allegiance was recited.

AGENDA ITEM #3: APPROVE REGULAR AGENDA

Motion: Approve the Regular Agenda with a change to Agenda Item #12

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Veit

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

AGENDA ITEM #4: APPROVE CONSENT AGENDA

- a. Vendor Invoices
- b. Pledge Reports
- c. Jorge Pagan Appraisal Services Agreement: Wall Avenue Project

Motion: Approve the Consent Agenda

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

AGENDA ITEM #5: APPROVAL OF THE SPECIAL CITY COUNCIL MEETING (TAX EQUALIZATION MEETING) MINUTES FROM APRIL 18, 2022

Motion: Approve the Special City Council Meeting (Tax Equalization Meeting) Minutes from April 18, 2022

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Johnson

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

AGENDA ITEM #6: APPROVAL OF THE CITY COUNCIL MEETING MINUTES FROM APRIL 18, 2022

Motion: Approve the City Council Meeting Minutes from April 18, 2022

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Veit

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

AGENDA ITEM #7: PUBLIC COMMENT

No comments.

AGENDA ITEM #8: SHERIFF'S UPDATE | CRAIG KELLER/JAKE MURRAY, CASS COUNTY SHERIFF'S DEPARTMENT

No Sheriff's Update.

AGENDA ITEM #9: HORACE PARK DISTRICT UPDATE | JASON OLSEN, HORACE PARK DISTRICT BOARD

Mr. Holper presented the Horace Park District Update as a monthly category beginning in June.



AGENDA ITEM #10: 6851 SUNNYSIDE DR - VARIANCE | JACE HELLMAN, COMMUNITY DEVELOPMENT DIRECTOR

Mr. Hellman presented information regarding the 6851 Sunnyside Dr Variance in which the property, at .86 acres and 19 feet from the property line, does not meet the side yard setback. Mr. Hellman explained that the property existed prior to the annexation in 2005 and that staff recommend approving the requested variance. Mayor Peterson opened the public hearing at 6:09 p.m. Discussion was had with the residents and the contractors regarding the lot size and emergency vehicle accessibility. The contractors are requesting 7.1 feet, while the Planning and Zoning Commission recommended the variance approval at 10-foot minimum. The contractor stated that it appeared the area had never been regulated regarding lot sizes. Mayor Peterson closed the public hearing at 6:52 p.m.

Motion: To Approve the Variance for 6851 Sunnyside Dr As Proposed by the Applicant

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Burkland

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

AGENDA ITEM #11: WATER, SEWER, STORM, AND STREET IMPROVEMENT DISTRICT NO. 2022-2 (LOST RIVER SEVENTH ADDITION) | JIM DAHLMAN, CITY ENGINEER

Mr. Dahlman reviewed the bid for the Water, Sewer, Storm, and Street Improvement District No. 2022-2 (Lost River Seventh Addition) Project. Dakota Underground was the lowest bidder at \$2,973,706.00 which was slightly over the engineer estimate. Mr. Dahlman made a recommendation to award the project to Dakota Underground, contingent upon receipt of a valid letter of credit.

Motion: Approve the Award of Water, Sewer, Storm, and Street Improvement District No. 2022-2 (Lost River Seventh Addition) Project to Dakota Underground Contingent Upon Receipt of Valid Letter of Credit

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Veit

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

AGENDA ITEM #12: SANITARY SEWER IMPROVEMENT DISTRICT NO. 2021-4 (LIFT STATION SA-14) | JIM DAHLMAN, CITY ENGINEER

Mr. Dahlman reviewed the bid for the Sanitary Sewer Improvement District No. 2021-4 (Lift Station SA-14) Project. He explained that the bid had been separated into three contracts: Electrical and General combined; Electrical; and General. Because Dakota Underground won the first two with a bid slightly lower than the estimate, he made a recommendation to award the project to Dakota Underground at \$727,745.10, with an interim completion projected for the middle of September.

Motion: Approve the Award of the Sanitary Sewer Improvement District No. 2021-4 (Lift Station SA-14) Project to Dakota Underground

1st Motion: Councilmember Veit

2nd Motion: Councilmember Johnson

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

AGENDA ITEM #13: WATER, SEWER, STORM, AND STREET IMPROVEMENT DISTRICT NO. 2022-8 (66TH STREET) | JIM DAHLMAN, CITY ENGINEER

Mr. Dahlman presented the Engineering Services Agreement for the Water, Sewer, Storm, and Street Improvement District no. 2022-8 (66th Street) project.

Motion: Approve Engineering Agreement 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 #14: 296 DAKOTA AVENUE SANITARY SEWER | JIM DAHLMAN, CITY ENGINEER

Mr. Dahlman reviewed the Project Costs for the 296 Dakota Avenue Sanitary Sewer project. KPH provided a cost breakdown totaling \$22,600.00 to complete the project. Resident Leah Peterson was present and asked if she would be required to dig up her road, with Mr. Dahlman stating that she would not. A decision was made by the City to fund the project via the Sewer Fund or the sales tax fund.

Motion: Approve the 296 Dakota Avenue Sanitary Sewer Project Cost

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

Action taken: Three in favor, Councilmember Johnson abstained. Motion carried.

AGENDA ITEM #15: JAKE BRAKE ORDINANCE | LUKAS CROAKER, CITY ATTORNEY

Mr. Croaker presented the 1st Reading for the Jake Brake Ordinance, Section 13-1504.1 of the revised ordinances relating to the regulation of compression and engine braking. It was determined that violating the ordinance would result in a \$20.00 fine. If placed signage is not effective, the City will revisit.

Motion: Approve the Jake Brake Ordinance

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Trudeau

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

AGENDA ITEM #16: CASEY'S NORTH DRIVEWAY PAVING | JIM DAHLMAN, CITY ENGINEER

Mr. Dahlman presented information regarding Casey's North Driveway Paving, in which Casey's General Store is requesting the City to provide a driveway connection due to the removal of access from County Road 17 and relocation to St. Benedict Avenue. Concerns regarding traffic congestion and potential damage were discussed and a final plan was requested before approval.

Motion: Approve Casey's North Driveway Paving Based on Presented Information

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Trudeau

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

AGENDA ITEM #17: FY 2022 CONSTRUCTION PROJECTS | BRENTON HOLPER, CITY ADMINISTRATOR AND JIM DAHLMAN, CITY ENGINEER

Mr. Holper presented the Council with a list of upcoming projects for the Capital Improvement Plan FY 2022.

AGENDA ITEM #18: ENGINEERING / PUBLIC WORKS | JIM DAHLMAN, CITY ENGINEER

Mr. Dahlman presented information regarding a Shared Use Path, a 2025 Transportation Alternative Grant Application, an update regarding the water vault delivery update, and the upcoming construction.

- a. Shared Use Path along CR-17 East of Horace Elementary: The City was in favor of pursuing a sidewalk on the east side of the elementary with the school.
- b. 2025 Transportation Alternative Grant Application: MetroCOG is awarding funds that are higher than historically awarded, with up to \$729,000 available for urban areas. The City will be applying for a grant toward the forementioned Shared Use Path.
- c. Water Vault Update: The vault delivery date has been extended to September 15.
- d. Contractors will likely be starting construction next week with drier conditions.

AGENDA ITEM #19: CITY ADMINISTRATOR | BRENTON HOLPER, CITY ADMINISTRATOR

Mr. Holper provided an update regarding building permits, in which 118 Single Family Permits have been issued in comparison to 92 building permits in May 2021. He also provided an update regarding the sound masking demo, stating that one demonstration had occurred the previous Friday and one would occur this Friday. Finally, Mr. Holper presented a concern regarding a fence near the lagoon that had been damaged by the snowplow. The fence had been put in place 15 years ago as a safety measure for children and pets to block access to the lagoon. Discussion was had



regarding fence location in the right-of-way and speaking with homeowners to relocate the fence, which would move six feet further into their yards. The City's insurance provider indicated that the insurance claim fence would be denied due to North Dakota Century Code providing immunity to liability in situations such as snow removal. An initial motion was made by Councilmember Veit and seconded by Councilmember Burkland but rescinded by Veit following further discussion by Mayor Peterson and Planning and Zoning Chairperson Russell Sahr.

Motion: Approve the Repair of Fence Damaged by Snow Removal Using Sales Tax Fund Not to Exceed \$40,000

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

AGENDA ITEM #19: PORTFOLIO REPORTS

- a. Mayor Peterson spoke with HBA regarding Erosion Control Concerns; he spoke with Starion Bank for an update; he will be meeting with Moody's to discuss bond ratings; and he announced that the Horace Lions Club is providing banners for the high school seniors and invited everyone to attend the parade on May 27.
- b. Councilmember Veit requested that forestry discussions resume and be added to the next meeting agenda. She also requested that residents and contractors obey barricades that have been placed to provide safety.
- c. Councilmember Burkland stated that she will be meeting with Mr. Holper and Mr. Dahlman regarding the congested road by the school and daycare. She also announced the City Rummage Sale to be held May 14.
- d. Councilmember Johnson: No update.
- e. Councilmember Trudeau: No update.

AGENDA ITEM #20: ADJOURN

Motion: Approve Meeting Adjourn at 8:25 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, May 16, 2022 at 6:00 p.m.**
The meeting will take place at the **Horace Fire Hall Event Center** located at 413 Main Street.