



## Horace City Council Meeting Minutes

The Horace City Council met on November 7, 2022, at 6:00 p.m. at the Horace Fire Hall Event Center.

Those present were Mayor Kory Peterson, Councilmember Stephanie Landstrom, Councilmember Naomi Burkland, and Councilmember Jeffrey Trudeau. Councilmember Sarah Veit joined via Teams. Others present included: Brenton Holper, Jace Hellman, Jim Dahlman, and Lukas Croaker.

Mayor Peterson called the meeting to order at 6:03 p.m.

The Pledge of Allegiance was recited.

### Agenda Item #3: Approve Regular Agenda

**Motion:** To Approve the Regular Agenda with 11b Water, Sewer, Storm, and Street Improvement District No. 2022-11 ID Agreement Removed

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

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

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

### Agenda Item #4: Approve Consent Agenda

- a. Vendor Invoices
- b. 2022 Chip Seals Prairie View, Ruds Additions and Dreamfields
  - i. Progressive Estimate No. 1 to Asphalt Preservation Company, Inc.
- c. Water Improvement District No. 2020-6 (Water Replacement)
  - i. Progressive Estimate No. 9 to KPH Inc.
- d. Water Improvement District No. 2020-7 (Connection to Cass Rural)
  - i. Progressive Estimate No. 4 to Key Contracting, Inc.
- e. Water, Sewer, and Street Improvement District No. 2022-1 (Visto Industrial Additions Pavement)
  - i. Progressive Estimate No. 3 to All-Finish Concrete, Inc.
- f. Water, Sewer, Storm, and Street Improvement District No. 2022-2 (Lost River Seventh Addition)
  - i. Progressive Estimate No. 5 to Dakota Underground Co.
- g. Water, Sewer, Storm, and Street Improvement District No. 2021-3 (Lakeview Addition)
  - i. Progressive Estimate No. 10 to Dakota Underground Co.
  - ii. Developer Design Engineering Reimbursement
- h. Water, Sewer, Storm and Street Improvement District No. 2022-6 and 2022-7 (Southdale Farms Fourth & Fifth Additions)
  - i. Progressive Estimate No. 4 to Dakota Underground Co.
- i. Water, Sewer, Storm and Street Improvement District No. 2018-3 (Terra Gardens Addition) & Miscellaneous Street Patching
  - i. Progressive Estimate No. 1 to FM Asphalt
- j. Sanitary Sewer Improvement District No. 2021-5 (Lift Station SA-13)
  - i. Progressive Estimate No. 4 to CC Steel, LLC.
- k. Sanitary Sewer Improvement District No. 2021-4 (Lift Station SA-14)
  - i. Progressive Estimate No. 3 to Dakota Underground Co.

**Motion:** To Approve the Consent Agenda

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

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



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

**Agenda Item #5: Approval of the City Council Meeting Minutes from October 17, 2022**

**Motion:** To Approve the City Council Meeting Minutes from October 17, 2022

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

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

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

**Agenda Item #6: Public Comment**

Resident George Preston requested that the City consider a leaf-burning ordinance due to the excessive smoke.

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

Deputy Murray presented the dispatch log of 198 calls, stating that there was an increase in traffic violations, with 62 citations, 88 warnings, and 6 minor crashes, along with 6 animal-related calls. Discussion was held regarding 64<sup>th</sup> Avenue South, east of County Road 17, with Deputy Murray stating that it was likely the worst road in the metro area. Mr. Holper stated that it was on the list of roads to grade.

**Agenda Item #8: 109 Apple Lane, Detached Garage | Jace Hellman, Community Development Director and Lukas Croaker, City Attorney**

- a. Variance
- b. Public Hearing

Mr. Hellman presented the variance request for 109 Apple Lane. The current zoning for this property is RE but should be R1. The applicant is requesting a variance to build a detached garage approximately 20 feet from the property line. The project had previously received a permit in 2019, but following the COVID-19 pandemic, it was delayed. The Planning and Zoning Commission recommended approval of the variance application 2-1. Although staff recommended denial due to lack of hardship, Council was willing to accept the 30-foot setback. Mayor Peterson opened the public hearing at 6:14 p.m. and closed the public hearing at 6:28 p.m.

**Motion:** To Approve the Variance Request with a 30-foot Setback for 109 Apple Lane to Build a Detached Garage

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

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

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

**Agenda Item #9: 1030 5<sup>th</sup> Street E | Jace Hellman, Community Development Director**

- a. Conditional Use Permit
- b. Public Hearing

Mr. Hellman presented the Conditional Use Permit for 1030 5<sup>th</sup> Street East. The applicant is requesting a Conditional Use Permit in order to operate a plumbing and HVAC office and shop. All plumbing and HVAC equipment and material will be stored inside the building. The Planning and Zoning Commission voted 3-0 to accept the findings and recommendations of the staff report and recommended approval of the Conditional Use Permit. Mayor Peterson opened the public hearing at 6:31 p.m. and closed the public hearing at 6:33 p.m.

**Motion:** To Approve the Conditional Use Permit for 1030 5<sup>th</sup> Street E with the Recommendation that All Materials are Stored Inside

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

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

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

**Agenda Item #10: Water Shut-Off Ordinance | Lukas Croaker, City Attorney and Brenton Holper, City Administrator**

- a. 1<sup>st</sup> Reading



Mr. Croaker presented the first reading for the Water Shut-Off Ordinance in which water will be shut off for residents who are 30 days late on utility payments. Councilmembers Burkland and Landstrom felt that 30 days was harsh so Mayor Peterson requested a change to 60 days. Councilmember Veit requested a written notice be provided to the resident 10 days in advance of intent to shut off.

**Motion:** To Accept the 1<sup>st</sup> Reading of the Water Shut-Off Ordinance With Said Changes

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

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

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

**Agenda Item #11: Water, Sewer, Storm, and Street Improvement District No. 2022-11 (Cub Creek 2<sup>nd</sup> Addition) | Lukas Croaker, City Attorney and Brenton Holper, City Administrator**

a. Plat Update

Mr. Hellman presented the plat update for the Water, Sewer, Storm, and Street Improvement District No. 2022-11 (Cub Creek 2<sup>nd</sup> Addition) project. The plat included an adjusted boundary, Lot and Block numbers corrected to proceed in a clockwise manner, technical corrections for owner dedications, utility and drainage easement locations based on current plan sets, the recordation number for the Permanent Easement Agreement for Drain 27, labeling for the depicted drainage easement along Drain 27, and labeling for the depicted 20-foot limited use area, per the Permanent Easement Agreement.

**Motion:** To Approve the Plat Updates

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

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

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

**Agenda Item #12: WSSSt. ID No. 2021-7 (Deer Creek Estates I & II) | Lukas Croaker, City Attorney**

Mr. Croaker presented the Resolution Declaring Petition Received for the WSSSt. ID No. 2021-7 (Deer Creek Estates I & II) project.

**Motion:** To Approve the Resolution Declaring Petition Received for the WSSSt. ID No. 2021-7 (Deer Creek Estates I & II) Project

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

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

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

**Agenda Item #13: Water, Sewer, and Street Improvement District No. 2022-1 (Visto Industrial Additions Pavement) | Jim Dahlman, City Engineer**

a. Change Order No. 1

Mr. Dahlman presented Change Order No.1 for the Water, Sewer, and Street Improvement District No. 2022-1 (Visto Industrial Additions Pavement) project. The change order would increase the contract amount by \$126, 587.77.

**Motion:** To Approve the Change Order No.1 for the Water, Sewer, and Street Improvement District No. 2022-1 (Visto Industrial Additions Pavement) Project

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

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

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

**Agenda Item #14: Water Improvement District No. 2020-7 (Connection to Cass Rural) | Jim Dahlman, City Engineer**

a. Change Order No. 3 – Time Extension Request

Mr. Dahlman presented Change Order No. 3 – Time Extension Request for the Water Improvement District No. 2020-7 (Connection to Cass Rural) project. The contractor would like to extend the completion date to June 2, 2023. Staff will propose an amended resolution of fees to be presented to Council at an upcoming meeting.



**Motion:** To Approve the Change Order No. 3 – Time Extension Request for the Water Improvement District No. 2020-7 (Connection to Cass Rural) Project

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

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

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

**Agenda Item #15: Water, Sewer, Storm, and Street Improvement District No. 2017-1 (Lost River Final Pavement Lift)**

**| Jim Dahlman, City Engineer**

a. Balancing Change Order No. 2 increasing the contract price by \$73,607.59

b. Progressive Estimate No. 3 – FINAL in the amount of \$22,228.20 to Border States Paving Inc.

Mr. Dahlman presented the Balancing Change Order No. 2 and Progressive Estimate No. 3 for the Water, Sewer, Storm, and Street Improvement District No. 2017-1 (Lost River Final Pavement Lift) project. Items were underrun and overrun due to various circumstances, resulting in an increase in the contract price by \$73,607.59.

**Motion:** To Approve the Balancing Change Order No. 2 Increasing the Contract Price by \$73,607.59 for the Water, Sewer, Storm, and Street Improvement District No. 2017-1 (Lost River Final Pavement Lift) Project

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

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

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

Mr. Dahlman presented the final Progressive Estimate to release the retainage in the amount of \$22,228.20. The cost will be paid for through special assessment funds available.

**Motion:** To Approve the Progressive Estimate No. 3 to release the retainage of \$22,228.20 for the Water, Sewer, Storm, and Street Improvement District No. 2017-1 (Lost River Final Pavement Lift) Project

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

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

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

**Agenda Item #16: Water Sewer, Storm, and Street Improvement District No. 2021-2 (Terra Gardens Third Addition)**

**| Jim Dahlman, City Engineer**

a. Progressive Estimate No. 7 to Fox Underground

Mr. Dahlman presented the Progressive Estimate No. 7 to Fox Underground for the Water Sewer, Storm, and Street Improvement District No. 2021-2 (Terra Gardens Third Addition) project. All seeding, mulching, and paving are complete, with trees, landscaping, and fencing left. Councilmembers were concerned about the length of time the project has been taking. Mr. Dahlman stated that it had been two weeks since a letter had been sent to the contractor requesting that a meeting with the contractor be held to discuss liquidated damages.

**Agenda Item #17: Water, Sewer, Storm, and Street Improvement District No. 2019-7 (Maple Lake Estates) | Jim Dahlman, City Engineer**

a. Adjacent Property Restoration

Mr. Dahlman presented an invoice for damage done by the Contractor for the Water, Sewer, Storm, and Street Improvement District No. 2019-7 (Maple Lake Estates) project at 10403 72<sup>nd</sup> Street South. The resident provided the invoice for \$1,150.00 to remove and replace damaged shrubs.

**Motion:** To Approve the Adjacent Property Restoration Request for the Property at 10403 72<sup>nd</sup> Street South for \$1,150.00

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

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

**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**

- a. Engineering Services Agreement with Interstate Engineering Inc.

Mr. Dahlman presented the Engineering Services Agreement with Interstate Engineering Inc. for the Water, Sewer, Storm, and Street Improvement District No. 2021-5 (Arrowwood Third Addition) project. The project was started on October 17, 2022 and has a completion date of August 13, 2023.

**Motion:** To Approve the Engineering Services Agreement with Interstate Engineering Inc. for the Water, Sewer, Storm, and Street Improvement District No. 2021-5 (Arrowwood Third Addition) Project

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

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

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

**Agenda Item #19: Purple Webbed Feet, LLC | Brenton Holper, City Administrator**

- a. Special Event Permit / Holly Days in Horace on December 10, 2022

Mr. Holper presented the Special Event Permit for Rookery Rock Winery to sample and sell wine at the City of Horace Holly Days in Horace Christmas event on December 10, 2022 at the Senior Center.

**Motion:** To Approve the Special Event Permit for Purple Webbed Feet for the Holly Days in Horace Event

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

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

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

**Agenda Item #20: Engineering / Public Works Report | Jim Dahlman, City Engineer**

- a. Construction Project Status

Mr. Dahlman provided a water project status update.

**Agenda Item #21: City Administrator Report | Brenton Holper, City Administrator**

- a. Water Course Setback

Mr. Holper provided an update on the Water Course Setback, which is on the November 8, 2022 Planning and Zoning Commission Agenda for discussion. He also discussed new business open houses for ReadiTech and The Medicine Shoppe, to be held on November 9, 2022. He shared current building permit numbers, which are at 283 Single Family Homes, 9 Commercial, and 465 total permits as of the end of October.

**Agenda Item #22: Portfolio Reports**

- a. Mayor Peterson provided an update on his childcare discussion that was held at Horace Lutheran Church on October 30. Approximately 35 people attended who were mostly providers, and Judy Lee gave a presentation to attendees.
- b. Councilmember Veit stated that she was able to get an update on all city construction projects.
- c. Councilmember Burkland stated that she is busy attending Planning and Zoning meetings and invited residents to attend the next one on Tuesday, November 8, 2022, at the City Hall conference room.
- d. Councilmember Landstrom provided an update regarding the well-attended Halloween in Horace event and stated that the Holly Days in Horace event is coming up on December 10, 2022, and that the 150<sup>th</sup> Sunday group will be meeting on Thursday evening at the Grove. She also stated that she has received calls from residents regarding the dust on Wall Avenue and asked if it was worth putting product on the roads; Mr. Dahlman stated that he would look into it, but at this point there may not be product available.
- e. Councilmember Trudeau stated that an offer was made to a Finance Director candidate. He also stated that MetroCOG was too late to receive status approval for TMA designation and may have to wait until next year or the year after.



**Agenda Item #24: Adjourn at 7:30 p.m.**

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

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

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

The next City Council Meeting is scheduled for **Monday, November 21, 2022, at 6:00 pm.**