



Horace City Council Meeting Minutes

The Horace City Council met on April 3, 2023 @ 6:00 pm at the Horace Fire Hall Event Center. Those present were Mayor Kory Peterson, Councilmembers Sarah Veit, Stephanie Landstrom, and Naomi Burkland. Councilmember Jeff Trudeau was absent. Others present included: Brenton Holper, City Administrator; Jace Hellman, Community Development Director; James Dahlman, City Engineer; Matt Voltz, Finance Director; and Lukas Croaker, City Attorney.

Mayor Peterson called the meeting to order at 6:01 pm.
The pledge of allegiance was recited.

Agenda Item #3: Approve Regular Agenda

Motion: Approve the Regular Agenda.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

Agenda Item #4: Approve Consent Agenda

- a. Vendor Invoices
- b. Pledge Reports
- c. Floodplain Permit - 17025 50 ST SE
- d. Horace Road Request – 81st Ave. S.
- e. Water, Sewer, Storm, and Street Improvement District No. 2022-11 (Cub Creek 2nd Addition)
 - i. Progressive Estimate No. 3 to KPH, Inc.
- f. 7675 Jacks Way – Rezone
 - i. 2ND Reading

Motion: Approve the Consent Agenda.

1st Motion: Councilmember Landstrom

2nd Motion: Councilmember Veit

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

Agenda Item #5: Approval of City Council Meeting Minutes from March 20, 2023.

Motion: Approve the March 20, City Council Meeting Minutes.

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Veit

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

Agenda Item #6: Public Comment

None.

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

The update will be presented during the next City Council meeting on April 17, 2023.

Agenda Item # 8: 64th Ave. S. Roundabout Project Open House | Jim Dahlman, City Engineer & Brenton Holper, City Administrator

Mr. Dahlman stated that the Cass County Highway Department will hold a public meeting on Monday,



April 10, 2023, at the Fire Hall Event Center to discuss the upcoming 64th Ave. S. roundabout project. County representatives will answer questions residents might have regarding the project and the upcoming closure of County Road 17. The meeting will take place from 5:00 pm to 8:00 pm.

Mr. Dahlman stated that the City of Horace has agreed to share some of the costs for the 64th Ave. S. roundabout project. Horace's share would be approximately \$322,200, which includes the purchase of gravel for 57th Street and streetlights. Staff will request that the City of Fargo cover some of the costs for the improvements of 57th Street because the road partially belongs to Fargo.

Councilmember Landstrom asked if Horace's cost-share would be special assessed. Mr. Dahlman responded that County projects are not assessed. After the completion of the project, the auditor will determine how the City of Horace will pay its share. Mr. Holper added that the City will propose to cover the project costs by using sales tax.

No action was taken.

Mr. Dahlman explained that the development of the Wilds 20th Addition was increasing traffic. During the September 21, 2020, meeting, the Council agreed to install a street gate on 60th Ave. S. between the Wilds Addition and Grayhawk Addition.

Traffic will further increase when the County closes part of 64th Ave. S. for the construction of the roundabout. To avoid more traffic issues, Mr. Dahlman asked that the City Council vote to either have the gate opened or removed.

Motion: Open but Do Not Remove the Street Closure Gate in the Wilds Addition.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

Agenda Item # 9: Sanitary, Storm and Street Improvement District No. 2022-4 (Wall Avenue – Sheyenne Diversion to Sheyenne River) | Jim Dahlman, City Engineer

Mr. Croaker said that there are several residents who would like to address the City Council with their concerns and questions regarding the Wall Avenue street improvements. Horace resident John Colvin provided his questions and requested that city representatives meet with residents and their legal counsel to discuss this project and the right-of-way purchases. Mayor Peterson said that there were several meetings concerning the project and that a letter was sent to each property owner offering options. Mr. Croaker said that the City will compensate property owners for the trees that will be taken to make way for the improvements.

Horace resident Myron Cusey discussed project design components and requested that a privacy fence be installed to shield properties. Mr. Dahlman stated that the road will be lowered and that he can send the plans and specifications if requested.

Horace resident Mike Snellgrove asked questions about his driveway and whether the City had an estimate on the cost of special assessments.

Councilmember Burkland asked why property owners felt that there was not enough communication. Resident Marybeth Colvin responded that there were many conflicting statements and stories. Mr.



Dahlman explained that the project was publicly discussed multiple times over the past 4 years. There were several public information meetings where residents could get information and ask questions. He concluded that many changes were made to the project plans because of requests residents made.

Mayor Peterson requested that staff and consultants schedule a meeting with a delegation of residents and legal counsel.

A resident asked how long the project would take. Mr. Dahlman replied that the project will be constructed in two parts. The first segment is Memory Lane/Lost River Road to the Sheyenne River Bridge. The roadway's estimated completion date is 2023. Work adjacent to the road will include a shared-use path, and seeding is expected to take place in 2024. The second segment is Sheyenne Diversion to Memory Lane/Lost River Road. The estimated completion of the second roadway is expected to be in 2024.

Mr. Dahlman presented the plans and specifications for the Sanitary, Storm, and Street Improvement District No. 2022-4 (Wall Avenue–Sheyenne Diversion to Sheyenne River). He added that the project can only move forward when the plans and specifications are approved. After approval, the project can be bid, which will determine the overall cost of the project.

Motion: Approve the Plans and Specifications for Sanitary, Storm and Street Improvement District No. 2022-4 (Wall Avenue – Sheyenne Diversion to Sheyenne River).

1st Motion: Councilmember Veit

2nd Motion: Councilmember Landstrom

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

Mr. Dahlman explained the process and timeframe to get a bid advertised.

Motion: Direct the Auditor to Advertise for Bids for Sanitary, Storm and Street Improvement District No. 2022-4 (Wall Avenue – Sheyenne Diversion to Sheyenne River).

1st Motion: Councilmember Veit

2nd Motion: Councilmember Landstrom

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

Agenda Item # 10: Sewer Ordinance | Jim Dahlman, City Engineer

Mr. Croaker explained that, in accordance with the ND Administrative Code, if there is a public sewer located within 200 ft. of a property line, owners are required to connect to it if the approving authority (Fargo Cass Public Health) requires it.

Fargo Cass Public Health Department regulations state that when a homeowner has a private sewer and it fails, they will not issue a permit to repair or install a new private septic system if the property is located within 200 ft. of a sewer connection and the City's sewer has additional sewer capacity available. Mr. Croaker contacted Fargo Cass Public Health Department, and they confirmed that they will not issue a permit for a new or repaired private septic system that is within 200 ft. of an available public sanitary sewer line that has capacity for such additional connection.

Mr. Croaker explained that he made changes to the sewer ordinance draft to match the Fargo Cass Public Health Department regulations. Councilmember Landstrom requested that the variance process under Fargo Cass Public Health's regulations be added to the ordinance. Councilmember Veit agreed with the request to add the variance process to Horace's ordinance.



Motion: Approve the First Reading of the Sewer Ordinance with the Addition of the Fargo Cass Public Health Variance Process.

1st Motion: Councilmember Landstrom

2nd Motion: Councilmember Veit

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

Agenda Item # 11: Water, Sewer, Storm, and Street Improvement District No. 2022-9 (63rd Street – from Wall Avenue to 82nd Avenue) | Jim Dahlman, City Engineer

Mr. Dahlman summarized the project's timeline. He added that the next steps in the process are for the council to approve the plans and specifications and to direct the auditor to advertise for bids.

Motion: Approve the Plans and Specifications for the Water, Sewer, Storm, and Street Improvement District No. 2022-9 (63rd Street – from Wall Avenue to 82nd Avenue).

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

Mr. Dahlman explained the process and timeframe to get a bid advertised.

Motion: Direct the Auditor to Advertise for Bids for Water, Sewer, Storm, and Street Improvement District No. 2022-9 (63rd Street – from Wall Avenue to 82nd Avenue).

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Veit

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

Agenda Item # 12: 856 Harvest Circle | Jace Hellman, Community Development Director

Mr. Hellman explained that the City received an application for a variance at 856 Harvest Circle. The applicant requested a variance to accommodate special conditions and circumstances that exist. The soon-to-be owners of the property are elderly, and requested additional space in one room to navigate more easily. Mr. Hellman added that the Planning and Zoning Commission voted 4-0 to recommend denial of the variance request for 856 Harvest Circle. The reason for the denial is the lack of proof of hardship, such as site and topographical constraints, property shape or location, that is specific to this property and that would require the proposed structure to encroach in the required rear yard setback. In the staff's opinion, there are no special conditions or circumstances which are peculiar to this property.

Mayor Peterson opened the public hearing at 7:28 pm. Councilmember Veit asked if there was another way to layout the house so that the additional room would be incorporated without having to ask for a variance. The representative responded that there is not enough room on the lot for this kind of layout. The Council discussed the application but agreed that there was not enough evidence for a hardship. Mayor Peterson closed the public hearing at 7:37 pm.

Motion: Accept the Staff's and Planning Commission's Recommendation to Deny the Variance Application for the Property Located at 856 Harvest Circle.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Landstrom

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



Agenda Item # 13: Horace HQ, LLC – Liquor License Application | Brenton Holper, City Administrator

Mr. Holper presented the Horace HQ, LLC liquor license application. The Headquarters will be located south of Dairy Queen. He added that the applicant applied for an on and off premise liquor license and that this is only the third establishment in Horace that would receive the on- and off premise liquor license. The price of the liquor license application fee and the annual license renewal were discussed. Mayor Peterson opened the public hearing at 7:41 pm. No comments or questions were received. Mayor Peterson closed the public hearing at 7:41 pm.

Motion: Approve the On and Off Premise Liquor License for Horace HQ, LLC.

1st Motion: Councilmember Landstrom

2nd Motion: Councilmember Burkland

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

Agenda Item # 14: Engineering/Public Works Report | Jim Dahlman, City Engineer

Mr. Dahlman shared news that despite the weather, the hole for the water meter for the Connection to Cass Rural Water project was dug and that the meter vault is scheduled for delivery and installation. Mr. Dahlman provided updates for several construction projects which included Cub Creek 2nd Addition and the 64th Ave. S. roundabout.

Agenda Item # 15: City Administrator Report | Brenton Holper, City Administrator

Mr. Holper explained that the next tax equalization meeting will take place on Monday, April 17, 2023, at 5:30 pm at the Horace Fire Hall Event Center. Paul Fracassi, Cass County Finance Director, will lead the meeting and will answer questions afterwards.

He informed the City Council that road restrictions for over dimensional vehicles will be in effect starting Tuesday, April 4, 2023.

Mr. Holper stated that there was a very good turnout for the annual Easter Event. Many families came despite the snow on the ground. He thanked everyone involved for their help including the Red River Sno-Riders, the Horace Lutheran Church, all sponsors, and volunteers.

He concluded that flooding might occur because of the snow accumulation. He added that the Public Works Department continues to clean out storm sewer drains. Councilmember Burkland stated that it is important that private roads get signage because otherwise the City and staff will be blamed for no snow removal on those private roads.

Agenda Item # 16: Portfolio Reports

- a.) Mayor Peterson explained that he has been in touch with the State's representatives. There are currently a few legislative bills in the Senate that need to be monitored.
He stated that a big snowstorm might hit the area the next day and that Public Works would be standing by. He advised everyone to stay home during the storm because the FM area is expected to get a foot of snow.
He concluded that the chances of flooding are increasing, especially with the next storm around the corner.
- b.) Councilmember Veit attended several meetings reviewing construction plans and making sure the beautification of Horace continues. She also visited several construction sites. She voiced



concern about flooding and wants to make sure that everyone is prepared.

She said that she attended the Easter Event and thought that the event was awesome.

- c.) Councilmember Burkland reminded everyone that there will be a joint meeting with the Planning Commission to discuss the Land Use Ordinance. She was concerned about the mess a construction site was making in town.
- d.) Councilmember Landstrom thanked Interstate Engineering and Ohnstad Twichell for their Easter Event sponsorships. She attended the event and thought that it was remarkable that there was not one egg left behind and that kids made sure that they got each egg opened to see if they had found one of the special prizes.

She concluded that she continues to work on the planning for the upcoming 150th anniversary.

Mayor Peterson announced at 7:53 pm that the Council would take a break to clear the room for the executive sessions.

Agenda Item # 17: Executive session held pursuant to N.D.C.C. § 44-04-19.1(9) to discuss negotiating strategy or provide negotiating instructions to its attorney or other negotiator regarding contracts for the purchase of real property related to BNSF railroad property.

Motion: Enter into Executive Session held pursuant to N.D.C.C. § 44-04-19.1(9) to discuss negotiating strategy or provide negotiating instructions to its attorney or other negotiator regarding contracts for the purchase of real property related to BNSF railroad property at 8:18 pm.

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Veit

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

Motion: Return to the Regular Session at 8:43 pm.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Landstrom

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

Motion: Direct the City Administrator to continue negotiations and direct the City Attorney to Develop a Purchase Agreement.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

Agenda Item # 18: Executive session held pursuant to N.D.C.C. § 44-04-19.1(9) to discuss negotiating strategy or provide negotiating instructions to its attorney or other negotiator regarding contracts for the purchase of real property related to the Wall Ave Project.

Motion: Enter into Executive Session held pursuant to N.D.C.C. § 44-04-19.1(9) to discuss negotiating strategy or provide negotiating instructions to its attorney or other negotiator regarding contracts for the purchase of real property related to the Wall Ave project.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Landstrom

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

Motion: Return to the Regular Session at 9:16 pm.

1st Motion: Councilmember Veit



2nd Motion: Councilmember Burkland

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

Motion: Approve Purchase Agreements for Armitage, Dahl, and Carpenter.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Landstrom

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

Motion: Direct Staff/Consultants to Hold an Informal Landowner Meeting with a Delegation of Residents and Legal Counsel at 6:00 PM on Thursday, April 6, 2023, at Interstate Engineering's office.

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Landstrom

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

Motion: Direct City Attorney to Prepare and Deliver Second Letter.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

Agenda Item # 19: Adjourn

Motion: Adjourn at 9:16 pm.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Landstrom

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

The next City Council Meeting is scheduled for **Monday, April 17, 2023, at 6:00 pm**