



## **Horace City Council Meeting Minutes**

The Horace City Council met on February 6, 2023 @ 6:00 pm at the Horace Fire Hall Event Center. Those present were Mayor Kory Peterson, Councilmembers Sarah Veit, Naomi Burkland, Stephanie Landstrom, and Jeffrey Trudeau. Others present included: Brenton Holper, City Administrator; Jace Hellman, Community Development Director; Jim Dahlman, City Engineer; Matt Voltz, Finance Director; Sally Showalter, Communications Specialist; and Lukas Croaker, City Attorney.

Mayor Peterson called the meeting to order at 6:00 pm.  
The pledge of allegiance was recited.

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

**Motion:** Approve the Regular Agenda.

**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 #4: Approve Consent Agenda**

- a. Vendor Invoices
- b. Pledge Reports
- c. Water Improvement District No. 2020-6 (Water Replacement)
  - i. Progressive Estimate No. 11 to KPH Inc.
- d. Water, Sewer, Storm, and Street Improvement District No. 2021-5 (Arrowood 3rd Addition)
  - i. Progressive Estimate No. 3 to Master Construction
- e. Water, Sewer, Storm, and Street Improvement District No. 2022-11 (Cub Creek Second Addition)
  - i. Progressive Estimate No. 1 to KPH Inc.

**Motion:** Approve the Consent Agenda.

**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 #5: Approval of City Council Meeting Minutes from January 24, 2023.**

**Motion:** Approve the January 24, 2023, City Council Meeting Minutes.

**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 #6: Public Comment**

None.

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

Deputy Sheriff Keller presented two versions of the January 2023 Sheriff's Report. The first report



showed the old layout, and the second report showed new data analytics, which will be included in each report going forward.

Deputy Sheriff Keller explained that during the month of January, there were a total of 214 calls for service. Two DUI arrests were made in the Horace area. One of the alcohol related crashes resulted in serious injuries.

**Agenda Item #8: Tax Abatement Resolution | Brenton Holper, City Administrator**

Mr. Holper explained that during the last meeting on January 24, 2023, the City Council motioned to revisit the Tax Abatement Resolution and discuss the resolution during the first meeting in July. The first meeting in July is scheduled for Monday, July 3, 2023, which is the day before Independence Day. Mr. Holper recommended moving this agenda item to June 19, 2023, City Council meeting.

Mayor Peterson agreed that it would be a good idea to move it up to June 19, 2023, because people might be out of town. Councilmember Trudeau requested that everyone be informed about the meeting in June. Mr. Holper concluded that staff would let the Home Builders Association (HBA) and the North Dakota Association of Realtors (NDAR) know.

**Motion:** Move the Tax Abatement Resolution Discussion from the July 3, 2023, City Council Meeting to the June 19, 2023, City Council Meeting.

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

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

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

**Agenda Item #9: Storm and Street Improvement District No. 2022-3 (Wall Avenue - Sheyenne River to Cass County Highway 17) & Sanitary, Storm and Street Improvement District No. 2022-4 (Wall Avenue – Sheyenne Diversion to Sheyenne River) | Jim Dahlman, City Engineer**

Mr. Dahlman informed the City Council that all property owners along Wall Avenue (from County Road 17 to the Sheyenne Diversion) had been contacted regarding the City's right-of-way process. The staff was able to communicate with all, but one property owner. Mr. Dahlman and Mr. Croaker explained that additional conversations and meetings with property owners will need to be had regarding the value of trees located on some of the properties. More updates will be provided to the City Council in the future. Mr. Croaker concluded that no motion was needed at this time.

**Agenda Item #10: Water, Sewer, Storm, and Street Improvement District No. 2022-8 (66<sup>th</sup> Street – 76<sup>th</sup> Avenue to 64<sup>th</sup> Avenue) | Jim Dahlman, City Engineer**

Mr. Dahlman explained that the preliminary engineering report was completed a year ago and that construction and labor costs have increased since then. After the report was completed, property owners had the opportunity to provide comments and feedback about the design, which prompted some additional design changes. Mr. Dahlman concluded that the current engineering report would need to be amended to include the design changes and the increased costs.

**Motion:** Approve the Amendment to the Preliminary Engineering Report for the Water, Sewer, Storm, and Street Improvement District No. 2022-8 (66<sup>th</sup> Street – 76<sup>th</sup> Avenue to 64<sup>th</sup> Avenue).

**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 #11: Water, Sewer, Storm, and Street Improvement District No. 2022-11 (Cub Creek 2nd Addition) | Jim Dahlman, City Engineer**

Mr. Dahlman stated that the Water, Sewer, Storm, and Street Improvement District No. 2022-11 (Cub Creek 2nd Addition) was designed by the developer's engineer. The developer's engineer would like to be reimbursed through funds from the special assessment district. The developer's engineer invoices included the preliminary engineering report, memos, plans and specifications, master planning, platting, and project development.

Mr. Dahlman reviewed all of the invoices and marked which ones should be covered by the special assessment district. He recommended that the City update its policies to set clear guidelines and parameters for future projects. Mr. Croaker explained that the City Council approved having the developer's engineer provide the design instead of the City's engineer, including reimbursement for design engineering fees.

**Motion:** Approve the Design Reimbursements for the Water, Sewer, Storm, and Street Improvement District No. 2022-11 (Cub Creek 2nd Addition) as Presented by Staff.

**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 #12: Capital Improvement Plan (CIP) Software | Brenton Holper, City Administrator**

Mr. Holper explained that staff would like to purchase capital improvement plan software to reflect the City's capital improvements. Several software packages have been reviewed to determine which one is the best suited for Horace. Staff tested two software options and looked into development of an internal product. Staff recommended purchasing the cloud-based software program EasyCIP by Infinite Data. The software costs \$3,000 annually, which includes the software and three user licenses. Councilmember Trudeau voiced concern about EasyCIP only providing one training session instead of unlimited sessions. Mr. Voltz replied that even though only one training session will be provided, staff will be able to ask an unlimited number of questions. Mr. Holper added that, judging by the demo, the software program was very easy to use.

The Council discussed the benefits of the software and agreed that a program like this would help everyone understand the progress of each capital improvement project and also list the City's equipment and vehicle fleet.

**Motion:** Approve the Purchase of the EasyCIP by Infinite Data Capital Improvement Plan (CIP) Software.

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

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

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

**Agenda Item #13: Engineering/Public Works Report | Jim Dahlman, City Engineer**

1. Mr. Dahlman informed the City Council that the grant application for the Horace Shared Use Path Phase III was sent to the Department of Transportation on February 3, 2023.



2. He stated that the bid opening for the Water, Sewer, Storm, and Street Improvement District No. 2022-8 (66<sup>th</sup> Street – 76<sup>th</sup> Avenue to 64<sup>th</sup> Avenue) will take place on February 9, 2023. He asked the City Council to let him know if they would like to watch the bid opening online and that he would provide a link if requested.
3. The 63<sup>rd</sup> Street project plans are 75% complete.
4. A meeting with Key Contracting for the upcoming installation of the meter vault for the 2020-7 Connection to Cass Rural project will be held during the week of February 20, 2023. Key Contracting would like to install the meter vault in March, weather permitting.
5. A plan review meeting for the River's Edge 2nd Addition will be held on February 7, 2023.

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

None.

**Agenda Item #15: Portfolio Reports**

1. Mayor Peterson met with the Realtors Group RONE in January. He also attended the Home Builders Association's (HBA) annual meeting. He is currently working on legislative bills that might affect Horace, including House Bill (HB) 1330. Mr. Holper and Mr. Croaker provided an update on the status of HB1330. Mayor Peterson will travel to Bismarck to attend a Fargo Moorhead West Fargo Chamber Event the following week. He concluded that he would like to get a new Economic Development Group established, which could help attract more businesses to town such as restaurants, a veterinary clinic, an indoor recreational facility, a grocery, and hardware store.
2. Councilmember Veit stated that she will be busy attending the City's upcoming project bid openings, which will include the 66<sup>th</sup> Street project as well as the Wall Avenue projects. She will also continue to monitor all the current infrastructure projects.
3. Councilmember Burkland continues to meet and work with Mr. Hellman to discuss the ongoing and upcoming planning and zoning applications.
4. Councilmember Landstrom continues to meet and work with the Horace 150<sup>th</sup> Sesquicentennial Celebration Committee to plan the upcoming 150<sup>th</sup> event in August.
5. Councilmember Trudeau stated that Cindy Gray, Executive Director of MetroCOG, will be retiring and that the organization is currently looking for her replacement. The organization is currently scheduling interviews, and Mr. Trudeau asked that Mr. Holper would fill in for him during his upcoming vacation.

**Agenda Item #16:** 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 a contract for the purchase of real property related to BNSF railroad property.

Mayor Peterson asked for a 5-minute break at 6:46 pm. He also requested that the room be cleared so that the executive session can be entered.

**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 a contract for the purchase of real property related to BNSF railroad property at 6:52pm.



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

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

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

**Motion:** Return to Regular Session at 7:35pm.

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

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

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

**Motion:** Direct Staff to Continue Communication with BSNF Railway and Metro Flood Diversion Authority.

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

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

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

Councilmember Veit asked that someone clarify the order of priority of purchasers to the audience and interested parties. Mr. Croaker stated that his comments were not legal advice to anyone in the audience, and proceeded to read from Section 49-09-04.2 of the North Dakota Century Code.

**Agenda Item #20: Adjourn**

**Motion:** Adjourn at 7:40 pm.

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

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

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

The next City Council Meeting is scheduled for **Tuesday, February 21, 2023, at 6:00 pm**