



Horace City Council Meeting Minutes

The Horace City Council met on March 20, 2023 @ 6:00 pm at the Horace Fire Hall Event Center. Those present were Mayor Kory Peterson, Councilmembers Sarah Veit, Stephanie Landstrom, Naomi Burkland, and Jeff Trudeau. 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 6:00 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 Landstrom

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

Agenda Item #4: Approve Consent Agenda

- a. Vendor Invoices
- b. Balance Sheet & Income Statement
- c. Checks Written in February 2023
- d. Water, Sewer, Storm, and Street Improvement District No. 2022-11 (Cub Creek Second Addition)
 - i. Reimbursement of Geotechnical Engineering Services to Dabbert Custom Homes

Motion: Approve the Consent Agenda.

1st Motion: Councilmember Landstrom

2nd Motion: Councilmember Burkland

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

Agenda Item #5: Approval of City Council Meeting Minutes from March 6, 2023.

Motion: Approve the March 6, 2023, City Council Meeting Minutes.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Landstrom

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

Agenda Item #6: Public Comment

Horace resident Mike Snellgrove wanted to make sure that the City Council had received his email correspondence and he also wanted to introduce himself. The councilmembers said that they had received his email and the City will get back to him.

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

Deputy Sheriff Keller explained that the February 2023 and the 2022 annual reports will be presented. The City Council discussed the traffic concerns around Horace Elementary School. Everyone agreed that solutions are needed soon. Councilmember Trudeau relayed a message from a local establishment asking if the sheriffs could refrain from sitting outside their business during nights. Deputy Keller responded that he would continue to patrol the area because that is where the most problems occur. He added that the business owner is more than welcome to speak with him directly.



Deputy Keller summarized the annual report and stated that many of the statistical numbers from 2021 to 2022 remained relatively the same. The one notable difference was the increase in burglaries. Many of the burglaries were crimes of opportunity to the many construction sites within the city. Mayor Peterson noted that the number of traffic accidents did not increase by much either.

Deputy Keller added that he is working for the City of Horace for the third year and that he applied to stay another two years which was approved.

Agenda Item #8: Wall Avenue Purchase Agreements | Lukas Croaker, City Attorney

Mr. Croaker presented four purchase agreements for the Wall Ave. project and explained that the City Council needs to approve the agreements. He added that the values in the purchase agreements were the original values that were listed in the appraisal report with the tree replacement policy compensation included.

Motion: Approve Four Purchase Agreements with Values from the Tree Policy and Appraisal Report.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

Agenda Item # 9: Water, Sewer, Storm, and Street Improvement District No. 2022-8 (66th Street) | Jim Dahlman, City Engineer

Mr. Dahlman explained that the City received six bids for the Water, Sewer, Storm, and Street Improvement District No. 2022-8 (66th Street) project. He said that the lowest bidder was KPH, Inc. of Fargo, ND with a bid of \$7,303,656.15.

KPH Inc. provided information for review in accordance with the City of Horace Responsible Bidder Policy. Mr. Dahlman recommended awarding the 2022-8 construction contract to KPH, Inc. The estimated construction start date is April 24, 2023, and the estimated completion date is October 28, 2023.

Motion: Award the Water, Sewer, Storm, and Street Improvement District No. 2022-8 (66th Street) Project to the Lowest Responsible Bidder KPH, Inc.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Landstrom

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

Agenda Item # 10: Water, Sewer, Storm, and Street Improvement District No. 2023-1 (Southdale Farms Sixth Addition) | Jim Dahlman, City Engineer

Mr. Dahlman stated that the City of Horace received a petition for improvements submitted by HS Investments, LLC requesting infrastructure improvements for the development known as Southdale Farms Sixth Addition. The developer requested that the infrastructure improvements be paid for by special assessments. He pointed out that the special assessments for this project will only be local not regional. Mr. Dahlman presented the project's district boundary map.

Motion: Approve the Petition for Improvements for the Southdale Farms 6th Addition.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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



Mr. Dahlman explained that the next step would be creating the assessment district for the project.

Motion: Accept Creating the District Water, Sewer, Storm, and Street Improvement District No. 2023-1.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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

Mr. Dahlman concluded that the City Council would need to approve the resolution directing the engineer to prepare the preliminary engineering report for the project.

Motion: Approve the Resolution Directing the Engineer to prepare the Preliminary Engineering Report for the Water, Sewer, Storm, and Street Improvement District No. 2023-1.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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

Agenda Item # 11: Sewer Ordinance | Jim Dahlman, City Engineer

Mr. Dahlman said that the City of Horace does not have a sewer ordinance. Responsibility for repairs was a recent topic during City Council meetings, and without an ordinance in place, a decision to reimburse the homeowner for repairs was made. The City Council requested that City staff prepare a sewer ordinance that establishes the procedure and cost for connection to sewer lines in the City of Horace, sets the monthly charges for sewer service, and sets out the City's and customer's responsibilities for repairs to sewer lines. The proposed sewer ordinance was reviewed by the legal, engineering, public works, and administrative departments.

Councilmember Landstrom voiced concern about forcing residents who are currently on septic tanks onto the City's sewer system, and she stated that some of the language in the proposed ordinance will need to be revised. She added that she is not interested in forcing anyone to connect. Mr. Croaker explained that this ordinance will follow North Dakota law and that it may not be up to the City to regulate connection to the City's public sewer. He added that this is only the first reading of the proposed ordinance and that changes can be made before the second reading. Councilmember Landstrom stated that she would like to make changes.

The City Council discussed whether the City would ever force anyone to connect. Mayor Peterson stated that the State's Public Health Department could also come in and request homeowners connect to the public sewer system. Councilmember Landstrom said that an established resident should not be forced to connect by the City and that the State or Cass County Public Health Department should be the ones dealing with this. She concluded that an ordinance forcing property owners to connect to the sewer system is anti-resident, in her opinion. The City Council continued to discuss the ordinance, including time frames for when a property owner would have to connect and who should pay for the connection fee. The City Council agreed that the language about time frames regarding the connection would have to be revised. Mr. Croaker said that he would review the Health Department's timelines. Mayor Peterson proposed tabling the item until the rewording of the ordinance process was complete.

Agenda Item # 12: 7675 Jacks Way | Jace Hellman, Community Development Director

Mr. Hellman presented the rezone and conditional use permit applications for 7675 Jacks Way, which is for a new gas station and car wash located on the southeast corner of 76th Ave. S. and County Road 17. He explained that the applicant is requesting to rezone the property from its current zoning district of C-2



to C-1. A portion of the property in question was previously zoned C-1, but with the platting and rezoning of Lakeview Heights 5th Addition, the replat/redrawn property was zoned C-2.

Staff noted that the process of issuing a conditional use permit involves making sure that proposed uses do not pose an impact to neighboring properties, and that the proposed uses would be compatible with their surroundings. It also allows the decision-making bodies of the City to apply additional conditions of approval to ensure impacts are limited. The nature in which a conditional use permit should be reviewed and approved is to ensure that surrounding uses are not impacted or diminished by the establishment of a use that requires a conditional use permit.

Mayor Peterson opened the public hearing at 6:47 pm for the rezone and conditional use permit. Councilmember Burkland asked why the zoning was changed from C-1 to C-2. Mr. Hellman explained that when the Lakeview Heights 5th Addition was added, the zoning was changed and that it needed to be changed back to conform to the City's ordinance. The ordinance states that a conditional use permit shall not be located less than two hundred (200) feet from a residential district within the C-2 zone. Mr. Hellman stated that a C-1 zoning does not have such restrictions. Mr. Holper explained that he discussed the rezone application with one property owner who is the only one within the 200-ft restriction. The property owner did not express any concerns.

Councilmember Veit asked the applicant, Mr. Woodside, about direct access from County Road 17 and that the only access to the gas station would be from 76th Ave. S. Mr. Woodside stated that there is only one access road, which is from 76th Ave. S. Councilmember Trudeau and Councilmember Burkland voiced concern about the detached car wash and the visual aesthetics it would have on County Road 17. Mr. Hellman explained that if the City Council were to approve the rezone and conditional use permit, the applicant would still need to go through a design review, which must be approved by the Planning Commission before the applicant can apply for a building permit. The City Council discussed the private road and the access to and from the gas station. No further comments were received, and Mayor Peterson closed the public hearings at 7:02 pm.

Councilmember Trudeau asked about shielding the car wash visually by planting vegetation. He voiced concern that the shrubs or bushes that would be planted to hide the structure from County Road 17 would need to be replaced every year because of heavy salt usage on the roundabout during the winter months. He would prefer that the gas station's store be the focal point, not the car wash. He said that if the car wash is being shielded by plants, a provision would be added to the conditional use permit. Councilmembers Trudeau and Burkland both stated that they do not want the car wash visible from County Road 17.

Mr. Hellman suggested that a special condition regarding the car wash could be added to the motion for the conditional use permit. Mr. Woodside said that he prefers the car wash to be attached to the main building. He also voiced concern about light pollution from vehicles facing County Road 17 if the garage is detached from the building.

Mr. Woodside explained that if the car wash were attached to the main building, the light pollution from headlights would not be an issue. The reason for not being able to attach the car wash is the location of the Minnkota Power Cooperative easement. Mr. Woodside concluded that he would talk to Minnkota Power Cooperative to see if he would be able to buy a few feet of the easement from them. Councilmember Burkland said that she is very worried about the light pollution adding an additional



danger to drivers who have to deal with a slippery roundabout during the winter and constant traffic going in and out of the gas station.

Mr. Holper suggested that the motion include the following provisions: The applicant must provide screening to mitigate headlights shining onto County Road 17. He explained that the emphasis would be on mitigation which means breaking up the light pollution. The applicant must also ensure that the car wash's location is no longer on County Road 17. Lastly, the applicant must provide sidewalks.

Motion: Approve the First Reading of the Rezone for 7675 Jacks Way as Presented by Staff.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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

Motion: Approve the Conditional Use Permit for 7675 Jacks Way as Presented by Staff with the Provisions that the Applicant Provides Sidewalks, Mitigates Light Pollution, and Moves the Car Wash off County Road 17.

1st Motion: Councilmember Landstrom

2nd Motion: Councilmember Veit

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

Agenda Item # 13: Rezone Amendments | Jace Hellman, Community Development Director

Mr. Hellman explained he is currently working on a new zoning map and that once all the rezone amendments have been approved, the map will be up to date. The rezone amendments for Terra Gardens 3rd Addition, Cub Creek 2nd Addition and River's Edge 2nd Addition were presented.

Motion: Approve the Terra Gardens 3rd Addition Rezone Amendment.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Burkland

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

Motion: Approve the Cub Creek 2nd Addition R Rezone Amendment.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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

Motion: Approve the River's Edge 2nd Addition R Rezone Amendment.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Landstrom

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

Agenda Item # 14: Land Use Ordinance | Jace Hellman, Community Development Director

Mr. Hellman gave a quick update on the new Land Use Ordinance. He asked that the City Council read the Land Use Ordinance to provide comments, suggestions, or revisions. He added that a public comment section will be added in the next two weeks. He would like the public to be able to review the Land Use Ordinance and provide comments. He estimated that the Land Use Ordinance would be adopted sometime in July.

Agenda Item # 15: Engineering/Public Works Report | Jim Dahlman, City Engineer



Mr. Dahlman gave a quick status update on current construction. He added that due to the weather, not many activities were currently happening. He explained that the Cass County Highway Department had their first pre-construction meeting regarding the 64th Ave. S. roundabout. Cass County asked to schedule a public information meeting in Horace to inform residents about the construction of the roundabout. Mr. Holper stressed that this project is a County project, not a City project.

Agenda Item # 16: City Administrator Report | Brenton Holper, City Administrator

Mr. Holper reminded everyone about the upcoming Easter event that will take place on April 1, 2023, at Horace Lutheran Church starting at 2:00 pm. Staff will advertise online about the event, also disburse flyers and posters in the school and daycares in the area.

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. Cass County Finance Director, Paul Fracassi, will lead the meeting and will be available for questions after the meeting.

Mr. Holper mentioned that homeowners are responsible for clearing the snow around mailboxes. He completed his update by stating that the pricing for the refinancing improvement bonds was completed last week and came in at 4.9984665% which is a very good rate.

Agenda Item # 17: Portfolio Reports

- a. Mayor Peterson reminded residents that fire hydrants need to be cleared of snow. Fire hydrants need to be visible at all times.
He explained that staff are watching the snow-water equivalency to see if the area will face potential flooding when the snow starts to melt. He added that the current measurements are still below last year's numbers. He concluded that the staff would continue to keep an eye on it.
- b. Councilmember Veit requested that the construction trucks coming and going to the Cub Creek 2nd Addition need to keep the mud and dirt off 63rd St.
- c. Councilmember Burkland asked staff about an update on the video system installation. Mr. Holper said that the needed electrical lines were installed, the internet was upgraded but that Tricorn Audio was waiting for equipment that was on back order.
- d. Councilmember Landstrom said that she continues to work on the preparation for the 150th anniversary celebrations.
- e. Councilmember Trudeau explained that he has attended several MetroCOG meetings to find a replacement for the Executive Director. He added that an offer was recently made to one of the applicants.
Councilmember Trudeau concluded that the City will conduct several interviews for the currently open positions at the City.

Mayor Peterson asked for a 5-minute break at 7:45 pm. He also requested that the room be cleared so that the executive session can be entered. A resident asked the City Council to consider that residents on Wall Avenue be given more time to find appraisers and contractors. Councilmembers Landstrom and Burkland said that they will take their concerns into account.

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 at 7:50 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 8:35 pm.

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Landstrom

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

Motion: Accept Counter Offers Related to the Wall Ave Project by the End of Day on Friday, March 24th, 2023. Direct Staff to Organize an Executive Session during a City Council Special Meeting on Monday, March 27, 2023, at 6:00 pm at City Hall.

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Landstrom

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

Agenda Item # 19: Adjourn

Motion: Adjourn at 8:38 pm.

1st Motion: Councilmember Landstrom

2nd Motion: Councilmember Burkland

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

The next City Council Meeting is scheduled for **Monday, April 3, 2023, at 6:00 pm**