



Horace City Council Meeting Minutes

The Horace City Council met on May 1, 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; Jim Dahlman, City Engineer; Matt Voltz, Finance Director; Paul Hankel, 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 with the Addition of Agenda Item #10c (Approval of Purchase Agreements) and Removal of Agenda Item #18 (Executive Session).

1st Motion: Councilmember Burkland

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. Street Closure Request for Block Party on June 10, 2023,
 - i. Address: 5th St. E.
- d. Street Closure Request for Horace Elementary on May 19, 2023, from 8:00 am to 2:15 PM
 - i. Address: 50 Ironwood Dr.
- e. TAC-0009 (054) PCN 22943 – Horace CR 17 SHARED USE PATH PHASE 2
 - i. Final Estimate No. 4 to NDDOT
- f. Water, Sewer, Storm, and Street Improvement District No. 2022-11 (Cub Creek 2nd Addition)
 - i. Progressive Estimate No. 4 to KPH Inc.
- g. Water Improvement District No. 2020-7 (Connection to Cass Rural Water)
 - i. Progressive Estimate No. 6 to Key Contracting
- h. Lions Club Gaming License at Big Erv's
 - i. July 1, 2023, to June 30, 2024

Councilmember Trudeau inquired about tractor parts that were purchased. Mr. Holper responded that the City's snow blower for the tractor broke down during the winter and new parts were ordered. Councilmember Landstrom asked why the agenda was updated. Mr. Dahlman responded that one of the progressive estimates was not ready and was replaced by a progressive estimate that was ready to be presented. Mr. Holper added that some of the project numbers were revised to ensure correct recording.



Motion: Approve the Consent Agenda.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Landstrom

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

Agenda Item #5: Approval of City Council Special Meeting Minutes from April 11, 2023.

Motion: Approve the April 11, 2023, City Council Special Meeting Minutes.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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

Agenda Item #6: Approval of City Council Meeting Minutes from April 17, 2023.

Motion: Approve the April 17, 2023, City Council Meeting Minutes.

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Landstrom

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

Agenda Item #7: Public Comment

Resident Bill Nelson asked who would be responsible for the water damage that was caused during the water line flushing event between April 24 and April 28. He added that a few residents experienced water damage because of water pressure influxes. Mr. Nelson also asked why the City's staff has not called him back, even though he requested a call back. Mr. Dahlman explained what the cause of the pressure influx might have been. The City Council requested the incident be investigated to determine whose responsibility the property damage would be and to continue to be in communication with the residents who were affected by the incident.

Resident Myron Cusey asked if the dust on Wall Avenue could be controlled early this year. He voiced concern about the safety of everyone who travels on that road.

Agenda Item #8: Sheriff's Update | Craig Keller & Jake Murray, Cass County Sheriff's Department

The next update will be presented during the May 15, 2023, City Council meeting.

Agenda Item #9: Storm and Street ID No. 2022-3 (Wall Avenue - Sheyenne River to Cass County Highway 17) | Lukas Croaker, City Attorney

Mr. Croaker explained that the City continues to receive signed purchase agreements from residents along Wall Avenue for the Storm and Street ID No. 2022-3 project. He added that staff have not been able to reach an agreement with a few owners. Mr. Croaker recommended starting the eminent domain proceedings so that the City would be able to start the improvement project. He asked that the City Council approve the following resolutions; the Resolution of Necessity and the Resolutions of Offer to Purchase for the Bauer, Nilson, and Wyffel properties. Mr. Croaker concluded that these residents would have until May 10th to accept the City's final offer as the City will deposit funds with the District Court after that date. .

Motion: Approve the Resolution of Necessity for Storm and Street ID No. 2022-3 (Wall Avenue - Sheyenne River to Cass County Highway 17).

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Veit

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



Motion: Approve the Resolutions of Offer to Purchase for Storm and Street ID No. 2022-3 (Wall Avenue - Sheyenne River to Cass County Highway 17) – Bauer, Nilson, and Wyffels. Delay Filing until May 10, 2023, and Direct Ohnstad Twichell to Deposit the Resolution Funds.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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

Agenda Item #10: Sanitary, Storm and Street Improvement District No. 2022-4 (Wall Avenue - Sheyenne Diversion to Sheyenne River) | Lukas Croaker, City Attorney

Mr. Croaker explained that there were five property owners left who had not signed the needed purchase agreements yet. He recommended that the City Council approve the Resolution of Necessity and Resolutions of Offer to Purchase. A resident said that he would accept the offer the City made as long as the City would also pay for a 6-foot-tall maintenance-free fence, but that request was denied because the City had made their final offer which does not include fences for any property owners. Mr. Croaker asked that the City Council approve the following resolutions; the Resolution of Necessity and the Resolutions of Offer to Purchase for the Wallace, Koenig, Snelgrove, Snelgrove, and Pittenger properties. Mr. Croaker concluded that these residents would have until May 10th to accept the City's final offer as the City will deposit funds with the District Court after that date.

Motion: Approve the Resolution of Necessity for the Storm and Street ID No. 2022-4 (Wall Avenue - Sheyenne Diversion to Sheyenne River).

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Veit

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

Motion: Approve the Resolutions of Offer to Purchase for Storm and Street ID No. 2022-4 (Wall Avenue - Sheyenne Diversion to Sheyenne River) – Wallace, Koenig, Snelgrove, Snelgrove, and Pittenger. Delay Filing until May 10, 2023, and Direct Ohnstad Twichell to Deposit the Resolution Funds.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Burkland

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

Agenda Item #10c: Purchase Agreements | Lukas Croaker, City Attorney

Mr. Croaker explained that the Colvins accepted the City's purchase offer.

Motion: Approve the Purchase Agreement as Presented by Staff.

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Landstrom

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

Agenda Item # 11: TAC-0009(055) PCN 23241 & TAC-009(056) PCN 23242 Center Avenue Multi-Modal Improvements & CR17 Shared Use Path – Phase III | Jim Dahlman, City Engineer

Mr. Dahlman explained that the North Dakota Department of Transportation (NDDOT) received bids from two contractors: Opp Construction LLC, and Northern Improvement, Co. for the Center Avenue Multi-Modal Improvements & CR17 Shared Use Path – Phase III projects. The lowest bidder was Opp Construction LLC of Grand Forks, ND with a bid of \$526,170.00. Mr. Dahlman recommended awarding the construction contract to Opp Construction, LLC in the amount of \$526,170.00. He added that these



are federally funded projects, with the local share being estimated at \$86,980.92 for the shared use path and \$13,359.72 for the Center Avenue improvements.

Motion: Award the TAC-0009(055) PCN 23241 & TAC-009(056) PCN 23242 Center Avenue Multi-Modal Improvements & CR17 Shared Use Path – Phase III to Opp Construction.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Landstrom

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

Agenda Item # 12: Water, Sewer, Storm, and Street Improvement District 2022-2 (Lost River 7th Addition) | Jim Dahlman, City Engineer

Mr. Dahlman presented Change Order No. 4 for the Water, Sewer, Storm, and Street Improvement District 2022-2 (Lost River 7th Addition) project. He explained that when the project was bid out, there was a section of the project located in Drain 27's right-of-way, and a permit was needed. The United States Army Core of Engineers (USACE) did not review the 408-permit in a timely manner. The contractor will have to return to the project in the spring to install the construction items that were not completed in the permitted area. The bid items for storm, sewer pipe, flared end sections, and manholes with riprap shall be paid for under the planned contract.

Motion: Approve the Water, Sewer, Storm, and Street Improvement District 2022-2 (Lost River 7th Addition) Change Order No. 4.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Landstrom

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

Agenda Item # 13: Waste Management | Brenton Holper, City Administrator

Mr. Holper introduced Nick Adair from Waste Management and added that Mr. Adair oversees the Waste Management operations in the area. Mr. Adair explained that Horace has grown so much that the drivers cannot complete the Thursday's route in one day anymore. Mr. Adair stated that Waste Management will be removing Thursday's service and adding Wednesday's service. Some Thursday customers (mainly east of County Road 17) will be receiving Tuesday service. The City's staff will announce the upcoming route and day change on social media, on the City's website, and in the monthly utility billing so that residents will be aware ahead of time. There was no action needed by the City Council. A resident asked if Waste Management will continue to recycle glass. Mr. Adair responded that Waste Management will continue to pick up and recycle glass. Mr. Holper asked for an update on the utility bill credit and Mr. Adair said that there will be a credit added to the next utility bill.

Agenda Item # 14: FY 2023 Budget Amendment No. 1 – Forestry Fund/Boulevard Tree Program | Brenton Holper, City Administrator

Mr. Holper presented the 2023 Budget Amendment No. 1. He summarized the City's Boulevard Tree program and explained that over 150 trees have been requested from residents so far. He added that the number of trees requested, and equipment rental costs were higher than expected. He asked that the City Council approve an increase of \$15,500 for the Tree Boulevard Program in the 2023 budget. The City Council discussed logistics on how to haul and plant the trees for residents.

Motion: Approve Budget Amendment No. 1 as Presented by Staff.

1st Motion: Councilmember Landstrom

2nd Motion: Councilmember Veit

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



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

Mr. Dahlman presented a construction update which included a summary of the progress of the incoming roundabout on 64th Avenue, the water projects, and the Wall Avenue project bid opening. The detour and emergency routes during the roundabout construction were also discussed.

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

Mr. Holper gave a brief overview of the over-dimensional permitting progress. He also brought up the issue of the City's Fire Ordinance needing to be updated to include leaf burning regulations.

Agenda Item #17: Portfolio Reports

- a. Mayor Peterson had no update.
- b. Councilmember Veit had no update.
- c. Councilmember Burkland had no update.
- d. Councilmember Landstrom had no update.
- e. Councilmember Trudeau had no update.

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.

The item was removed from the agenda.

Agenda Item #19: Adjourn

Motion: Adjourn at 7:12 pm

1st Motion: Councilmember Burkland

2nd Motion: Councilmember Trudeau

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

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