



Horace City Council Meeting Minutes

The Horace City Council met on March 15, 2021 @ 6:00 pm at Horace City Hall. Those present were Mayor Kory Peterson, Councilmember Bryan Schmidt, Councilmember Chelsey Johnson, Councilmember David Fenelon, and Councilmember Sarah Veit. Others present included: Brenton Holper, Jim Dahlman, Barrett Voigt, Lukas Croaker, Naomi Burkland, and Jeffrey Trudeau.

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 Schmidt

2nd Motion: Councilmember Fenelon

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

Agenda Item #4: Approve Consent Agenda

- a. Vendor Invoices
- b. Balance Sheet & Income Statement
- c. Pledge Reports

Motion: Approve the Consent Agenda.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Veit

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

Agenda Item #5: Approval of City Council Meeting Minutes from March 1, 2021

Motion: Approve the City Council Meeting Minutes from March 1, 2021.

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Johnson

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

Agenda Item #6: Public Comment

None.

Agenda Item #7: Sheriff's Update | Ross Krause/Craig Keller, Cass County Sheriff's Department

Deputy Sheriff Ross Krause congratulated the two new incoming City Councilmembers Naomi Burkland and Jeffrey Trudeau and thanked the outgoing Councilmembers David Fenelon and Bryan Schmidt.



———— Old Business ————

Agenda Item #8: WSSSt. ID No. 2021-1 (Southdale Farms Third Addition) ID Agreement | Lukas Croaker, City Attorney

Mr. Croaker presented the WSSSt. ID No. 2021-1 (Southdale Farms Third Addition) ID Agreement and explained that the developer requested a land dedication credit of 8.1 acres for future additions. There was a discrepancy in the original wording and calculations of the Southdale Farms First and Second Addition ID agreements. Mr. Mack, a representative for the developer, explained that according to their calculations and the Horace Park Board's calculations, the land dedication credit should be 8.1 acres. Mr. Croaker explained that staff came to a different number which was 4.16 acres of land dedication and that the City Council needs to decide which amount they are willing to approve.

Motion: Approve the 8.1 Acres of Land Dedication Available for Future Additions After the Third Addition.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Schmidt

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

Motion: Approve the WSSSt. ID No. 2021-1 (Southdale Farms Third Addition) ID Agreement with Modifications as Presented by Staff.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Schmidt

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

Agenda Item #9: Certification of Special Election Results | Michael Montplaisir, Cass County Finance Director

Mr. Montplaisir explained the Cass County election process for the special election that took place on March 9, 2021 in Horace. Two ballots were not counted because the signatures did not match the back of the ballot envelopes. Six ballots were postmarked prior to election day but arrived after election day. Mayor Peterson and Council reviewed the two ballots with the non-matching signatures and concluded that the signatures were not a match on both ballots.

Motion: Reject Two of the March 9, 2021 Horace Special Election Voting Ballots Due to Inconsistent Signatures.

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Veit

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

Mayor Peterson and Council reviewed the six ballots that arrived after election day but were postmarked before election day.

Motion: Accept the Six Voting Ballots that Arrived After the Horace Special Election Day Postmarked on or Before the Deadline and Certify the March 9, 2021 Horace Special Election Results.

1st Motion: Councilmember Fenelon

2nd Motion: Councilmember Schmidt

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

Mayor Peterson and Council initialed the six ballots. The official election results will be posted on the County's website on March 16, 2021.



Agenda Item #10: Oath of Office for Recently Elected City Councilmembers | Brenton Holper, City Administrator

Naomi Burkland and Jeffrey Trudeau recited and signed the Oath of Office. The documents were notarized by Becky Streitz.

———— **New Business** ————

Agenda Item #11: Appointment of City Council Vice President | Brenton Holper, City Administrator

Mr. Holper explained the role of the Horace City Council Vice President. The Mayor automatically becomes President and City Council appoints a Vice President. In case the Mayor will not be present, the Vice President will assume the position.

Mr. Montplaisir walked in and handed the results of the six additional special election voting ballots to Mayor Peterson. Mayor Peterson announced that Zach Lee had zero votes, Jeffrey Trudeau had three, David Fenelon had three, Bryan Schmidt had one vote, and Naomi Burkland received five votes.

Mayor Peterson and Council agreed on Councilmember Johnson becoming the Horace City Council Vice President.

Motion: Approve Councilmember Johnson as the Horace City Council Vice President.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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

Agenda Item #12: Flood Plain Development Permit | Brenton Holper, City Administrator & Jim Dahlman, City Engineer

Mr. Dahlman presented the Flood Plain Development Permit. He explained that a portion of Horace is located in the flood plain as identified by the Federal Emergency Management Agency (FEMA). If any kind of work is done in the flood plain, the work would have to be administered by the City of Horace because the City is the manager of the flood plain area. This permit would allow a homeowner to do work in the flood plain such as drilling, filling, draining etc. The permit will keep track of work being done in the flood plain all around the City because more subdivisions are being built in the flood plain.

Mr. Holper added that some cities in the area do not charge for this permit, but that there are other communities that do. If the City of Horace were to charge for the permit, Mr. Holper suggested that the costs for engineering would be covered by the permit fee. Mr. Holper explained that the FM Diversion Authority asked for a flood plain permit because of substantial work that will be done. A permit would help keep track of the work and cover the costs for reviewing each project.

Mr. Dahlman proposed that he would present a permit fee schedule that would lay out permit fee costs for different types of projects because larger scale projects such as developments will require extensive engineering reviews and a small project such as driveway fills would not.

Motion: Revisit the Flood Plain Development Permit Fee Schedule in Six Months.

1st Motion: Councilmember Trudeau

2nd Motion: Councilmember Burkland

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



Motion: Approve the Flood Plain Development Permit Application as Presented by Staff.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Veit

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

Agenda Item #13: Lakeview Addition | Lukas Croaker, City Attorney

a. Resolution Creating the District

Mr. Croaker explained that the developer for the Lakeview Addition filed a petition for improvements on February 25, 2021 requesting that the City Council create an improvement district to install infrastructure for the development of the Lakeview Addition. With the creation of the improvement district to fund installation of the infrastructure through the special assessment method. The proposed name of the improvement district is Water, Sewer, Storm, and Street Improvement District No. 2021-3. Mr. Dahlman explained the boundary map of the proposed improvement district.

Motion: Approve the Resolution Creating the Water, Sewer, Storm, and Street Improvement District No. 2021-3.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Johnson

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

b. Resolution Directing the Engineer to Prepare an Engineer's Report

Mr. Dahlman explained that the next step would be directing the engineer to prepare an engineer's report. The report would identify the proposed conditions and cost estimate based on the improvements that are requested.

Motion: Approve the Resolution Directing the Engineer to Prepare an Engineer's Report for the Water, Sewer, Storm, and Street Improvement District No. 2021-3.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Veit

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

Agenda Item #14: Cost Share Reimbursement Agreement 2020-6 Watermain System Improvement Project | Jim Dahlman, City Engineer

Mr. Dahlman presented Cost Share Reimbursement Agreement 2020-6 Watermain System Improvement Project and summarized the project to Council. The City applied for a State Water Commission (SWC) cost share of 60%-40% for the pre-construction costs. The application was approved in February and Mr. Dahlman presented the SWC agreement that states that the cost share that was granted cannot exceed \$150,000.

Motion: Approve the Cost Share Reimbursement Agreement 2020-6 Watermain System Improvement Project.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

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



Agenda Item #15: Cost Share Reimbursement Agreement 2020-7 Connection to Cass Rural Water District Project | Jim Dahlman, City Engineer

Mr. Dahlman presented Cost Share Reimbursement Agreement 2020-7 Connection to Cass Rural Water District Project and summarized the project to Council. The City has applied for a State Water Commission (SWC) cost share of 75%-25% for the pre-construction costs. The application was approved in February and Mr. Dahlman presented the SWC agreement that states that the cost share that was granted cannot exceed \$75,750.

Motion: Approve the Cost Share Reimbursement Agreement 2020-7 Connection to Cass Rural Water District Project.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Veit

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

Agenda Item #16: Alternate Legal Services – Election of Counsel | Brenton Holper, City Administrator

Mr. Holper explained that the City of Horace has worked with an alternate legal service (Hoff Barry, P.A.) when there was a conflict (e.g., FM Diversion) with the City's legal representation, Ohnstad Twichell. Mr. Holper was notified by Hoff Barry, P.A. that the attorney, Mr. Jared Shepherd, who has represented the City of Horace in the past, has withdrawn as a partner of Hoff Barry, P.A., effective April 2, 2021. Mr. Shepherd will be employed with Campbell Knutson P.A.

Mr. Holper recommended that the City continues to work with Mr. Shepherd because he did a good job representing the City in the past.

Motion: Proceed with Mr. Shepherd of Campbell Knutson P.A. as the City's Alternate Legal Representation.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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

Agenda Item #17: Street Sweeping Contract | Brenton Holper, City Administrator

Mr. Holper explained that the City has worked with the street sweeping company Pro Sweep Inc. in the past. Pro Sweep Inc. will sweep use several vehicles at the same time to be able to sweep an entire city in a short amount of time. Using a street sweeping service is more cost effective than buying a street sweeper which will cost several hundred thousand dollars. The hourly rate for Pro Sweep Inc. is \$135 per hour for their sweeping service. The City of Horace spends approximately \$5,000 to \$6,000 per year.

Motion: Approve the Pro Sweep Inc. Street Sweeping Contract as Presented by Staff.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Burkland

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



Agenda Item #18: Cass County Vector Control Agreement | Brenton Holper, City Administrator

Mr. Holper presented the Cass County Vector Control Agreement and explained that the City of Horace has worked with Cass County Vector Control for several years for mosquito mitigation. The agreement will cover the extra (ET) of the City of Horace to see if this will help with lowering the overall numbers of mosquitos in the Horace area. The Cass County Vector Control Agreement states that the annual fee for its service cannot exceed for service of the Horace ET cannot exceed \$8,000 and the service for the City of Horace will cost \$11,604 for the city-wide service.

Motion: Approve the Cass County Vector Control Agreement as Presented by Staff.

1st Motion: Councilmember Johnson

2nd Motion: Councilmember Trudeau

Action taken: All in favor, none opposed. Motion carried (4-0).

Agenda Item #19: Title V Ordinance Update | Brenton Holper, City Administrator

Mr. Holper explained the first reading of the Title V Ordinance Update which would propose an update to the wording of the ordinance. Rewording the section of the ordinance to set the fee by resolution would allow staff to add a sliding scale instead of a set permit fee. Staff would present a building permit plan review fee schedule during the next Council meeting on April 5, 2021.

Motion: Approve the Title V Ordinance Update as Presented by Staff.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Trudeau

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

Agenda Item #20: Drainage & Bike/Pedestrian Improvements - 76th Avenue from 63rd Street East | Jim Dahlman, City Engineer

Mr. Dahlman presented the Drainage & Bike/Pedestrian Improvements - 76th Avenue from 63rd Street East. He explained that Cass County will do improvements to 76th Avenue and the County approached the City of Horace about adding streetlights, a shared use path, and a storm sewer. Doing these improvements at the same time as the street improvements, would be more cost effective than doing them separately. The estimate for the City's local cost portion for installing streetlighting, a shared use path, and a storm sewer is \$424,680.25. The County will be administering the entire project.

Motion: Approve the Drainage and Bike/Pedestrian Improvements - 76th Avenue from 63rd Street East as Presented by Staff.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Johnson

Action taken: All in favor, none opposed. Motion carried (4-0).

Agenda Item #21: Engineering/Public Works | Jim Dahlman, City Engineer

- a. The City applied for the State Water Commission (SWC) cost share funding for the 2020-6 Watermain System Improvement Project and the 2020-7 Connection to Cass Rural Water District Project. The SWC recommended that the City return with this application later when the projects are further along in progress. The City will re-approach the SWC in May for their June 2021 hearing. The bidding would be done in May and the next SWC meeting will be in June 2021. For the local costs, the City has applied for the Drinking Water State Revolving Fund (DWSRF). The applications for both projects will be sent out



on March 16, 2021. This would fund the local portion with a 2% loan.

- b. The plan and specifications for the Southdale Farms Addition will be presented during the next City Council meeting on April 5, 2021.

Agenda Item #22: City Administrator | Brenton Holper, City Administrator

- a. There was a higher turnout during the last COVID-19 rapid testing event at the Fire Hall on March 12, 2021. A half a dozen people got tested which was a 600% increase compared to the first testing event which took place on March 5, 2021. There will be two additional testing dates on March 19, 2021 and on March 26, 2021.
- b. The State is currently conducting the legislative sessions. The revenue forecast will be discussed during the week of March 15, 2021 which will give the legislators an idea on what the budgetary numbers will be in the future. The budget is important for the City of Horace because the revenue forecast will impact State Water Commission projects.

Agenda Item #23: Portfolio Reports

- a. Mayor Peterson welcomed Naomi Burkland and Jeffrey Trudeau to the Horace City Council. He added that he will work on portfolio assignments with both.
- b. Councilmember Veit explained that she was present at the groundbreaking at Prairie Scales. The Planning and Zoning Meeting on March 9, 2021 was cancelled because of lack of new applications. She addressed concerns about the trees near the Horace Elementary School. Some residents in Chestnut were worried that their trees in their yards would be cut down, but Councilmember Veit ensured them that only the trees on the Elementary School's property might be removed. Lastly, she wanted to let everyone know that the Lakeview plat was recently approved and that there will be a lake and an amphitheater. The Cup Scouts will be doing their big food drive on March 21, 2021.
- c. Councilmember Burkland introduced herself and thanked Bryan Schmidt and David Fenelon for their service. She explained that she would like to be the voice for the average working family.
- d. Councilmember Johnson welcomed the new Councilmembers. She explained that the company Prairie Scales was already located in Horace, but that they were braking ground at a new location. She added that any new business is very important to residents because new businesses will help keep the City's taxes low.
- e. Councilmember Trudeau introduced himself and thanked David Fenelon and Bryan Schmidt. He would like to help shape the Special Assessment Policy that is being currently developed.

Agenda Item #24: Adjourn

Motion: Approve Meeting Adjourn at 8:00 pm.

1st Motion: Councilmember Veit

2nd Motion: Councilmember Johnson

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

Next Regular Meeting is **April 5, 2021** at 6:00 pm

