



## **Horace City Council Meeting Minutes Summary**

The Horace City Council met on April 19, 2021 @ 6:00 pm at Horace City Hall. Those present were Mayor Kory Peterson, Councilmember Jeffrey Trudeau, Councilmember Chelsey Johnson, Councilmember Naomi Burkland, and Councilmember Sarah Veit. Others present included: Brenton Holper, Jim Dahlman, Barrett Voigt, Lukas Croaker, Paul Fracassi, and Bob Ehler.

Mayor Peterson called the meeting to order at 6:06 pm due to some technical difficulties.

The pledge of allegiance was recited.

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

**Motion:** Approve the Regular Agenda with the Following Adjustments - Changing the Title of agenda item #13b to: Resolution Approving the Plans and Specifications. Adding agenda item #9b: Discussion on a Complaint of Adverse Impacts from a Neighboring Property.

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

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

**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 Report

**Motion:** Approve the Consent Agenda.

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

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

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

### **Agenda Item #5: Approval of City Council Meeting Minutes from April 5, 2021**

**Motion:** Approve the City Council Meeting Minutes from April 5, 2021.

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

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

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

### **Agenda Item #6: Public Comment**

Mr. Rutherford asked the Council to reverse the forced annexation of the Fradet's, Westbrook, and Lazy A subdivisions.

Mr. Anderson asked the Council what the short-term and long-term solutions will be to fix the road in the Visto's Industrial Park. He added that the road needs maintenance and that he has been grading the road three times a day for the last week. Mayor Peterson said that he will discuss the issue with staff and will get back to him, but that the first step would be get the road repaired.

Mr. Aamodt asked that Wall Avenue gets filled in because the road is full of craters and holes. Mayor Peterson responded that it gets filled about once a week but that he will talk to staff about a better solution and that he will get back to Mr. Aamodt.



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

No update. The next update will be given during the May 3, 2021 City Council meeting.

**Agenda Item #8: Tax Equalization Meeting | Paul Fracassi, Cass County Director of Tax Equalization**

The Cass County Director of Tax Equalization, Paul Fracassi, presented the 2020 Property Tax Equalization Report for the residents and commercial properties in Horace. He explained that 2020 proved to be a very strong market in the face of a pandemic and that there was a 6 % increase county-wide. The average home is valued at \$316,000 which shows that it is a very healthy market in the City of Horace. He asked that property owners let him know if they see something on their evaluation that is not correct. He explained the process of the residential property evaluations and asked the City Council to accept the proposed changes. Mr. Fracassi added that 16 people have reached out to his department about their evaluations.

Mr. Ehler of Vanguard Appraisals explained the process of the evaluations for commercial properties. Of the 8 commercial properties in Horace, 4 people already met with him. He added that the typical timeline for appeals would be April at the city-level, June at the county-level and August at the state-level. Everyone who has appealed or signed the list during the meeting will receive a letter with all the needed information. Mr. Fracassi explained that software calculates the evaluations because it is more precise than the calculations of an assessor.

A couple of commercial property owners appealed the property evaluations and several residential property owners signed the appeal list that was provided by Mr. Fracassi during the meeting. Mayor Peterson asked if anything could be done so that the evaluation do not continue to increase. Mr. Fracassi answered that it will not stop until developers stop selling.

Ms. Moore expressed her concerns about bringing her business from West Fargo to Horace.

**Motion:** Accept Changes to Assessment Roll. Move all Appeals at Meeting into a Pending Review Status. Approve all Non-Pending Values in the 2021 Assessment Roll.

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

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

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

**Agenda Item #9: 407 Nelson Drive - Nuisance | Barrett Voigt, Community Development Director & LukasCroaker, City Attorney**

Mr. Voigt explained that the property at 407 Nelson Drive was cleaned up even further since the last City Council meeting on April 5, 2021. He did find one pile of junk in the backyard, seen in a photograph that Mr. Voigt provided. The property owner replied that the pile was a burn pile that she was not allowed to bur because of the current burn ban the County is under. She added that she has photographs showing that there a many other properties in Horace with junk in their yards.

Mr. Voigt concluded that the burn pile in the backyard was the only issue left at 407 Nelson Drive. The Council said that they do not see an issue with the burn pile if the property owner will burn it when the burn ban is lifted.

**Motion:** Allow the Property Owner at 407 Nelson Drive to Burn the Remainder of the Nuisances in Her Backyard once the Burn Ban is Lifted and Dismiss the Nuisance Violation.



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

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

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

**Agenda item #9b: Discussion on a Complaint of Adverse Impacts from a Neighboring Property | Barrett Voigt, Community Development Director**

The property owner of 407 Nelson Drive asked the Council if she could raise the west side of her fence to get some privacy from Big Erv's. She explained that the price of lumber was very high and having to pay \$325 for a permit was too much. Mr. Voigt suggested that installing landscaping such as trees or constructing an accessory building could help create privacy in her backyard. The property owner replied that she is not interested in landscaping but that she would like to add two to three feet to her fence to block the view of the bar.

Mr. Sahr explained that a variance application cannot be approved by the Planning and Zoning Commission but that the City Council could approve it. The Council decided that adding two feet to a fence that was technical on commercial property should not be a problem, because the legal height of a fence for a commercial property is 8 feet. Mayor Peterson explained that this was an extraordinary circumstance and will not set precedent for other residential properties.

**Motion:** Approve the Property Owner at 407 Nelson Drive to Add Two Feet to her Backyard Fence (west side).

**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 #10: Sahr Second Addition Conditional Use Permit – Wind Turbine | Barrett Voigt, Community**

Mr. Voigt presented the Sahr Second Addition Conditional Use Permit and explained that the applicant would like to erect a wind turbine in his yard at 6507 76<sup>th</sup> Avenue. There were 12 conditions listed in the staff report that the applicant agreed to.

Mr. Sahr said that he would like to modify one of the conditions by upgrading the grounding of the tower which would make the structure safer. Mayor Peterson and Councilmember Veit supported the modification. Mayor Peterson opened the public hearing at 7:40 pm. No comments were received. Mayor Peterson closed the public hearing at 7:40 pm.

**Motion:** Approve the Proposed Conditional Use Permit Granted that the Applicant Follows all the Agreed Upon Conditions Listed in the Staff Report.

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

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

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

**Agenda Item #11: Wall Avenue & Annexation | Brenton Holper, City Administrator**

Mr. Holper gave an update on Wall Avenue which included the current condition of the road. Mr. Dahlman explained that geotechnical samples were taken, analyzed, and a pedestrian corridor was discussed, but that the Wall Avenue improvement project was slowed down due to the ongoing annexation process. He added that a variety of options and solutions were presented to Stanley



Township but that the Township suggested annexation.

Mr. Croaker summarized the procedure of the proposed annexation and the start of mediation. Ms. Landstrom stated she was disappointed that the information of the appointment of a mediator and the communication between the Governor's office and Mr. Croaker was not shared, as the residents of the annexation area were a party to the case. Mr. Croaker explained that the Century Code states that the City has to contact the Governor's office to appoint a mediator. A couple of other Stanley Township residents also voiced their concerns about the proposed annexation. Councilmember Veit asked if there was a way to come to an agreement with a mediator. She suggested that the new Councilmembers arrange a meeting with the representatives of the proposed annexation area to see if an agreement without mediation would be possible.

**Agenda Item #12: Terra Gardens 3<sup>rd</sup> Addition ID Agreement | Lukas Croaker, City Attorney**

Mr. Croaker presented the Terra Gardens 3<sup>rd</sup> Addition ID Agreement which included park land dedications. Mr. Croaker explained that the agreement is a standard agreement.

**Motion:** Approve the Terra Garden 3rd Addition as Presented by Staff.

**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: Water, Sewer, Storm and Street ID No. 2021-3 (Lakeview Addition) | Jim Dahlman, City Engineer**

Mr. Holper presented the Water, Sewer, Storm and Street ID No. 2021-3 (Lakeview Addition) ID agreement. Mr. Croaker added that this agreement required the developer to provide a 75% letter of credit and he explained the details of the agreement which included land dedication, storm sewer dedication and a construction of lift station. A maintenance agreement for the planned babbling brook would still need to be included. Mr. Dahlman suggested to wait until the agreement was in place. Mr. Croaker and the City Council then discussed the special assessments that will be allocated to the future lot owners. Mr. Dahlman clarified that the maintenance agreement will be prepared for the next Council meeting on May 3, 2021 and to table the items until then.

**Motion:** None taken.

**Agenda Item #14: Sanitary Sewer ID No. 2021-4 (Lift Station SA-14) | Jim Dahlman, City Engineer**

Mr. Dahlman presented the Sanitary Sewer ID No. 2021-4 (Lift Station SA-14) project and explained the boundary map. He summarized the service agreement and explained that the Council would need to direct the engineer to prepare plans and specifications.

**Motion:** Approve the Sanitary Sewer ID No. 2021-4 (Lift Station SA-14) Engineering Report. Approve the Engineering Services Agreement and Direct the Engineer to Prepare Plans and Specifications.

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

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

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

**Agenda Item #15: Sanitary, Storm Sewer and Street ID No. 2019-1 and Storm Sewer and Street ID No. 2019-3 (Lakeview Drive, 79<sup>th</sup> Avenue and 63<sup>rd</sup> Street) | Jim Dahlman, City Engineer**

Mr. Dahlman presented the Sanitary, Storm Sewer and Street ID No. 2019-1 and Storm Sewer and Street ID No. 2019-3 Change Order No. 4 in the amount of -\$175,000.00. He explained the



reason for the line-item deduction in the amount of -\$175,000.

**Motion:** Approve the Sanitary, Storm Sewer and Street ID No. 2019-1 and Storm Sewer and Street ID No. 2019-3 Change Order No. 4 in the amount of -\$175,000.00.

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

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

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

**Agenda Item #16: Water, Sewer, Storm and Street ID No. 2020-2 (82<sup>nd</sup> Avenue) | Lukas Croaker, City Attorney & Jim Dahlman, City Engineer**

Mr. Dahlman explained the Water, Sewer, Storm and Street ID No. 2020-2 (82<sup>nd</sup> Avenue) project to the City Council. He added that land was to be acquired from the West Fargo School District, the Horace Lutheran Church, and BR Development to construct this project. Mr. Croaker explained that temporary construction easements are needed so that the City can access the properties to do the work. Staff was waiting on appraisals for the land but having the Council approve the construction easements will move the project forward.

**Motion:** Approve the Temporary Construction Easements for the Horace Lutheran Church, BR Development, LLC, and the West Fargo School District No. 6.

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

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

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

Mr. Dahlman explained that the project was bid and awarded last summer, but because of a construction delay, the project did not start construction until December 2020. The reason for the change order in the amount of \$73,435.82 was due to increase costs in construction materials.

**Motion:** Approve the Water, Sewer, Storm and Street ID No. 2020-2 (82<sup>nd</sup> Avenue) Change Order No. 2 in the amount of \$73,435.82.

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

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

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

**Agenda Item #17: Tobacco Ordinance | Brenton Holper, City Administrator & Lukas Croaker, City Attorney**

Mr. Croaker explained that the federal law on the legal age of smoking was changed from 18 to 21. The City had to update their ordinance accordingly to reflect that the legal age of purchasing tobacco was also changed from 18 to 21. Mr. Croaker added that the City should include that violations go in front of the municipal court. The ordinance amendment would reduce the charge to a non-criminal offense instead of a class b misdemeanor charge.

**Motion:** Approve the 1<sup>st</sup> Reading of the Tobacco Ordinance Amendment as Presented by Staff.

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

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

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

**Agenda Item #18: Noise Ordinance Amendment | Brenton Holper, City Administrator & Lukas Croaker, City Attorney**

Mr. Croaker presented the first reading of the Noise Ordinance Amendment. Several restrictions were added to the City's Noise Ordinance which included volume of the noise, the intensity of the noise, the nature of the noise, and the origin of the noise. Extra language



for a time frame from 6:00 am to 9:00 pm was added, where noise can occur legally. The Council can grant exceptions such as concerts etc.

**Motion:** Approve the 1<sup>st</sup> Reading of the Noise Ordinance Amendment as Presented by Staff.

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

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

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

#### **Agenda Item #19: Finance Director Position | Brenton Holper, City Administrator**

Mr. Holper explained that the City's Finance Director, Becky Streitz, gave her two-week notice. To help operations run smoothly, an interim set-up was needed. A proposal came in from AE2S, a company that has worked with the City before, and Ms. Streitz offered to help as an independent contractor to process the vendor invoices and keeping the City's financial record current. The independent contract set-up would be significantly cheaper than working with AE2S. The set-up would stay in place until the Finance Director position was filled. Ms. Streitz would also continue to work on the new Special Assessment Policy under this independent contract set-up.

**Motion:** Approve the Interim Finance Assistance Agreement for \$500 per Week until a Finance Director is Hired, and the Special Assessment Policy is in Place.

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

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

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

Mr. Holper summarized the job description for the Finance Director position and explained that two changes were made. Originally, the minimum experience level for recruits was two years and it was increased to five years. The second change was that recruits will be asked to present during public meetings. Mr. Holper summarized the recruitment costs as well as the different proposals for recruitment services. Mr. Holper recommended to do the job recruitment through Baker Tilly, because they provide a 12-months guarantee for \$24,500. The terms of the guarantee will be added to the agreement.

**Motion:** Authorize up to \$25,000 for Recruitment Services and Approve the Amended Job Description for the Position of the City of Horace Finance Director as Presented by Staff.

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

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

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

#### **Agenda Item #20: Engineering/Public Works | Jim Dahlman, City Engineer**

Mr. Dahlman explained the progress on several construction projects.

- a. The SS ID 2018-1 project (Lift station and Force Main) was 50 % complete.
- b. SSS ID 2019-1 project (Lakeview Drive) was 99% complete.
- c. WSSSt ID 2019-6 project (Cub Creek 1<sup>st</sup> Addition) was 94% complete.
- d. WSSSt ID 2019-7 project (Maple Lakes Estates) was 57% complete.
- e. WSSSt ID 2020-1 project (Southdale Farms 1<sup>st</sup> Addition) was 99% complete.
- f. WSSSt ID 2020-4 project (Lost River 5<sup>th</sup> Addition) was 94% complete.
- g. WSSSt ID 2020-2 project (82<sup>nd</sup> Avenue) was 30% complete.
- h. SS ID 2020-5 project (Old Oxbow), staff was waiting for the schedule from the contractor.
- i. Park ID 2020-1 project was 50 % complete.



- j. Southdale Farms 3<sup>rd</sup> Addition was out for bids. An update will be provided during the next Council meeting on May 3, 2021.
- k. Staff was finalizing the paperwork on the City's water project for the upcoming State Water Commission meeting in June 2021.
- l. The finals documents were being gathered for the residents of Chestnut.
- m. The plans for Terra Garden 3<sup>rd</sup> Addition were expected to be completed by the April 23, 2021.

**Agenda Item #21: City Administrator | Brenton Holper, City Administrator**

- a. Mr. Holper summarized the Senate Bill 2046 which would impact the City's highway fund. If the bill was passed, the City could lose around \$120,000 in revenue.
- b. The North Dakota League of Cities' Spring Workshop will take place April 20, 2021. Mayor Peterson, Councilmember Burkland and Mr. Hoper will attend the workshop in Bismarck.
- c. The Horace Special Election will take place on April 2021. Residents can go vote from 7:00 am until 7:00 pm at the Fire Hall Event Center.
- d. Mr. Holper gave an update on the City's 150 building permits.
- e. The position for the City's Communication Specialist was posted and staff will interview three candidates the following week.

**Agenda Item #22: Portfolio Reports**

- f. Mayor Peterson asked that everyone keep in mind that City Hall was currently understaffed and to keep that in mind when adding items to the staff's workload. He thanked Becky Streitz and Hannah Boor for their services to the City, they were wonderful to work with.
- g. Councilmember Veit – no updates. She asked everyone to go vote on April 20, 2021. She also thanked Becky Streitz and Hannah Boor for their services.
- h. Councilmember Burkland thanked the current staff for the work that they do while being short-staffed.
- i. Councilmember Johnson explained that she and Councilmember Burkland will take over some of the work that Hannah Boor did.
- j. Councilmember Trudeau thanked Becky Streitz and Hannah Boor for their services and that they will be missed.

**Agenda Item #23: Adjourn**

**Motion:** Approve Meeting Adjourn at 9:41 pm.

**1st Motion:** Councilmember Johnson

**2nd Motion:** Councilmember Veit

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

Next Regular Meeting is **May 3, 2021** at 6:00 pm