

City of Medora
Minutes of Special Meeting
July 29, 2020
(Subject to Council review and approval)

Meeting was called to order at 7:03pm by Mayor Todd Corneil. Present were Council members Tracy Sexton, Gary Edland, Derwin Zuroff and Doug Ellison. Sandra Kuntz attended by phone and Mike Njos was present.

Discuss action on the Point to Point Park motion of July 7

Attorney Kuntz gave an overview of her July 23 letter to Randy Hatzenbuhler, TRMF. She stated the intent was for TRMF to step forward with a plan and if they do, to review it and decide how to proceed. There is some question if the plans cover the water issues. Her recommendation is to give TRMF 30 days to resolve the issues but consider fining them. We should consider the impact on visitors. This problem goes back to October and Mike Njos advised them of the problem before cement was poured. After review of the minutes from July 7 Corneil asked if the intention was to try to get resolution. Zuroff asked what changing the motion would mean. Corneil stated that he has been advised that TRMF wants to solve the water problem in a better way and asked Njos for his input. Njos said that he doesn't know if the current location of the curb, gutter and sidewalk will cause more problems or less than the location shown on the drawings. Randy Hatzenbuhler, TRMF, thanked the Council for access to Mike Njos, and he stated their Board wants to have engineers resolve the issues. He asked if cutting out the current cement is the best solution, and said they know that the current location is on city ground and needs to be corrected. They want to help control water for their neighbors and the curb & gutter as installed seem to be working. TRMF wants to get the curb, gutter and sidewalk in the right place and solve the problems but it takes time to come up with the best plan. Hatzenbuhler stated that they will work for the best plan and tear out what was constructed if needed. Ellison stated that it appeared the curb & gutter was channeling water into the street during the last rain. Hatzenbuhler commented he was glad the water is being channeled and he feels it is reasonable for the sidewalk to be on TRMF property. Zuroff feels the curb & gutter would probably function well if placed in the right spot. Hatzenbuhler asked if attendees would like to join them at the location outside so everyone can see the survey markings, etc., discussion continued. Ellison asked if property lines are identified now, Njos replied yes. Clarence Sitter said their engineers have sent proposals to Njos to review. Njos said he has been pushing to get the alley issues addressed and he wanted a mandate to get action. Njos said one option is to put curb & gutter on the west side of the alley with a wraparound curb if it is felt this resolves some issues. Sexton asked if this would need an easement from the Lutheran Church (Church), Njos replied that isn't a City responsibility. Sitter said they have been talking with the Church about the possible options. Sexton said the August 1 deadline was to prompt progress. Zuroff asked if it isn't as important now that there is noncompliance? If the curb, gutter and sidewalk aren't moved it changes the Development Agreement. Ellison asked if TRMF is willing to relocate the curb, gutter and sidewalk. Hatzenbuhler asked if that is a better project? Ellison stated that widening the alley may shift traffic flow west and that isn't desirable. Sexton stated that at some point changes to the parking lot will create traffic change. Ellison asked how important it is to pave the parking lot. Corneil feels the parking lot will need to be addressed. Njos stated he feels the parking lot improvements will be needed as the land use has changed and there is more parking needed, he feels it needs to be addressed in the next phase of the DA but if Council doesn't agree they can decide on direction. Sexton feels that additional people may come as features are added. Hatzenbuhler stated they will cut the 39' of concrete now if that's agreeable but there is still work to be done with the Church on the alley corner and TRMF does

not want to be noncompliant. Sexton asked how we deal with Zoning on the noncompliance since the drawings don't match the application. Ellison stated he feels if the plan is modified it need to go to Zoning but this will take some time. Njos felt that changes may not need to go to Zoning since there is a DA enabling the Council to act. Kuntz agreed, she stated the Council decides and Zoning recommends. She asked why the water issues weren't addressed in the required Stormwater Management plan? Njos stated the plan was to have the curb & gutter divert the water and he has emphasized the importance of dealing with the parking lot and drainage issues with the project engineers and architect. Njos stated he doesn't know that the location change improves or hurts the water issues. Hatzenbuhler stated that the project as constructed works and isn't that more important that the issue with the plans. Edland stated that clearly the lines are wrong and drainage needs to be addressed. Zuroff feels this was declared an enforcement issue, does this resolve it? Njos said it doesn't fully address the issue but they are working on it now. Ellison asked Njos that since he had told them twice about the problem 60 days ago does this enforcement do anything to solve the problem. Njos said another option is to stop negotiating on anything related to the DA until this is resolved. Zuroff and Ellison agreed that we want the best outcome for the Church but we also have an enforcement issue. Kuntz agreed that we have an enforcement issue but we also need to find the best solutions, if changes impacted the Church that is a problem and she is disappointed that the Storm Water Management Plan wasn't addressed. Comments from Council indicated that they are OK with how the current location is handling water at this time. Sitter said there is drainage included in the Mini Golf area that is helping. Sexton asked about the other issues on Njos' list of ten items, Ellison said that item 10, professional engineer certification and item 4, crosswalk signs, were not completed, Sitter will check and verify status on these. Ellison asked if TRMF is willing to remove the encroachment, Zuroff asked if they will accept this. Njos stated that the curb, gutter and sidewalk were not put where identified on the plans, he didn't get plans with property lines until spring and plans showed a 10' easement to allow for the alley. Njos said that had the current location been proposed originally the plans likely would have been approved if they could get a couple feet from the Church. Sexton doesn't feel that it is fair to pressure the Church and to pressure them to give up land. Njos stated that the problems are all tied together and we need to decide what width is best for the alley. Edland expressed concern that widening the alley could increase parking along it and create more problems, and other comments supported considering a narrower alley. Sexton felt that it is important for the alley to be wider to allow safe parking lot access. Corneil felt that if there is going to be more traffic the alley needs to be wider. Hatzenbuhler said they would do what is preferred but wider can result in people speeding up. Corneil stated that if future plans for attractions succeed there will be a need for parking. Edland suggested that moving east would benefit everyone. Sitter advised that items 4 and 10 will be cleared tomorrow. Ellison said that if the process for resolution begins by August 1 that is good enough for him. Corneil asked where the sidewalk was to go in the DA. Sitter stated that the corner of the alley road is on Church property and needs to be resolved. Hatzenbuhler asked if we move 10' is the City putting in the road? Njos said that the road was part of the TRMF plan. Corneil said it has been asked if the City pays for curb and gutter, and he said that it does in general but the DA trumps the general in this case. Zuroff stated that since Njos said that the current location would probably have been approved if requested in the plans he feels we need to decide on the road width. Edland feels we need to look at a one-way alley and we shouldn't be putting the problem on the Church. Back in the MCC, Corneil said he can see some tricky areas and there isn't an easy solution. Kuntz recommended we should pick the best solution for the Church, TRMF and City; maybe we should consider putting the rip out cost toward a Church easement and curb and gutter on the west; and we should go for the best outcome. Sexton feels that the Church talks are after the fact and the current situation puts pressure on them, she doesn't want the Church to feel like the bad guy. Njos feels we need to resolve and have the solution in place before winter, we need to push for a solution. It was agreed that we don't want the Church to be pressured nor expected to handle the solution. Corneil said

he is OK with cutting off the 9" but if we change, we need a plan. Sexton suggested it has been 3 weeks so let's stick with the motion. Corneil stated to comply with the DA we need to tear out what was done so we need to decide on direction, do we tear it out or develop a plan? Kuntz asked what the best option is for everyone involved? She said the original plan may not be the best and if we want Church input we should ask them if they want to trade for curb & gutter install or some other consideration if that improves the situation, it is appropriate to invite input from the Church. Corneil doesn't feel that drainage is solved with what was done. Edland feels we should go through with compliance to the plan. Ellison feels we shouldn't make the Church feel pressured, he likes the one-way alley idea with a 20' width. Corneil said that moving doesn't solve the corner issue. Ellison asked if the cost is on the contractor. Edland feels the Church will need to be involved in the solution. Sexton feels we need to decide on compliance and then discuss the situation with the Church. Hatzenbuhler doesn't feel it's fair to not give the Church the option at this point. Edland said we should move the sidewalk, curb and gutter to the plan location. Hatzenbuhler said they would comply but he is confused with that approach. Zuroff said that TRMF should have addressed the issues when they were identified, the curb, gutter and sidewalk were put in the wrong place. Hatzenbuhler stated that they are learning how to deal with a DA and they are the only organization in town that has to deal with DA's. Ellison stated he feels we can remove the August 1 deadline and he doesn't support punishment. Zuroff said he agrees if we feel it is going to be complied with. Njos said he would like to see the best solution but needs time to look at the options proposed, he has asked for details for a year, and the Church can decide what they want to do. Sitter indicated that he should have been more involved earlier and he is trying to get resolution of the issues. Ellison suggested we leave the concrete where it is until the season is over but we identify the next steps so we get resolution, we don't want to disrupt our visitors. Sitter said he will work to get what Njos and the Council want. Corneil asked about the proposal to the Lutheran Church, Sitter said the proposal is being presented tomorrow. Corneil and Edland agreed we should see what the Church responds. Hatzenbuhler said they will go with the original plans or try to find better options. Corneil and Zuroff stated we are looking at a timeline extension with no guarantee that the City will agree to any of the potential new options, if no agreement then the requirement will be tear out the concrete and follow the plans. Sexton asked if a delay will result in cost shifting to TRMF. Hatzenbuhler said they will deal with the contractor issues, they will provide details to Njos to evaluate, and he would like to give the Church time to respond. He asked if it would be acceptable to present their recommendations at the September 1 Council Meeting, they will push hard but he knows Njos needs time to evaluate too. Njos feels September 1 is a good date for discussing the solution. Hatzenbuhler confirmed that September 1 will be the resolution date but they will need answers from the City along the way. Corneil asked if we want to hold a special meeting prior to September 1 so the Church, TRMF and City can discuss the issues. Corneil suggested we discuss the situation at the August 4 meeting; have a special meeting before the September 1 meeting with the Church, TRMF and City; make a decision at the September 1 meeting; and implement the decision by November 1. Sexton said she is willing to look at options. Corneil asked Kuntz if we need to deal with the motions that were made July 7. Kuntz advised we do. Ellison moved to amend his motion of July 7 to remove the August 1 deadline since we have entered dialog, Sexton seconded. Discussion included questions on August Special Meeting date options, and a statement by Zuroff that he feels this was a blatant disregard of our Engineer's input and he feels this is an enforcement issue but he will respect the view of other members. Motion passed unanimously. Discussion on the July 7 Zuroff motion included Kuntz input that there be discussion on August 4 and we set time parameters for a Special Meeting with details distributed to the Church and everyone before the meeting. Corneil said that he feels the Zuroff motion is doable but may not be the best option. Ellison added that he doesn't feel its good to remove the work completed in the middle of the season and he feels the spirit of the original motion is still covered, Corneil agreed. Zuroff moved to amend his July 7 motion to "the curb, gutter and sidewalk along the

east side of the alley should be removed by September 1 unless there is an alternate resolution”, Edland seconded. Motion passed unanimously.

Preliminary Budget Review

Auditor Ridenhower reviewed the current input to the 2020 Preliminary Budget and outcomes of the July 22 discussion. A summary of the input to date was reviewed. 2020 Revenue and Expense projections were provided as requested. The list of proposed projects was provided with Auditor comments based on the 2020 total year estimates, discussion included:

- The Police and Fire Radio Upgrade requests. Ridenhower recommended we proceed with the Fire and Police Radio Upgrades in 2020 based on the 2020 financial projections and input at the last meeting that we have an opportunity to save cost and have access to assistance if we proceed soon.
- The Sewer Main Repairs project was discussed. A list of prioritized sewer repair locations provided by Njos was reviewed. Zuroff feels that sewer maintenance is important, Corneil agreed.
- The MCC Exterior Repair project was discussed. Zuroff suggested we have a contractor look at the building and give us some options for how to proceed, we should make all the information we have available. Corneil suggested that we should look at how to we might save money but we shouldn't be spending money on a plan and we should not go for a cheap solution, he is good with moving forward with an assessment of the project. Lapp suggested that if we plan it out and negotiate, we may be able to save money.

Sexton said she is OK with including the radio projects in 2020 and including the sewer repairs in 2021. Edland asked about the proposed well plugging as he is concerned it could turn into a larger cost. Lapp will provide the name of a well driller and we will arrange to have more assessment/input before continuing. Corneil asked if we put a hold on the project, the consensus was we need more assessment before proceeding.

Ridenhower commented that we haven't gotten an estimate to grout the pool but Dell Beach is working on it. It appears this repair is needed so once we know the estimated cost, we will need to decide how we deal with it in our spending plan.

- It was confirmed that the Mill Levy will remain unchanged.
- Ridenhower will incorporate the above direction into a proposed Preliminary Budget for review.

A Special Meeting to review the Preliminary Budget will be held August 5 at 7:00 pm.

Sexton moved the meeting be adjourned, Edland seconded. Motion passed unanimously. Meeting adjourned at 10:20pm.

Reminder - the next regular Council Meeting is August 4 at 7:00 pm.

Attest: _____ Todd Corneil, Mayor

Attest: _____ Gary Ridenhower, City Auditor