

City of Medora
Minutes of Special Meeting
August 12, 2020
(Subject to Council review and approval)

Meeting was called to order at 7:00pm by Mayor Todd Corneil. Present were Council members Tracy Sexton, Gary Edland, Doug Ellison and Derwin Zuroff. Mike Njos was also present.

Discuss the proposed solution to the east-side curb & gutter and sidewalk in the alley (south of Broadway) is not in the location indicated in the Civil Plans

Nick Lippert of JLG Architects lead a discussion of the material he provided detailing the layout of Point to Point Park and the area by the alley. Lippert said that they want to have a Phase 3 & 4 Development Agreement (DA) done in September with Construction following. Mike Njos commented that utility easements need to be resolved in the DA. Lippert pointed out that the plat he was referencing differed from the earlier plat presented to Zoning including changes to the 10' easement along the alley and easements beside the MCC were eliminated. Sexton asked why a 20' wide alley is being proposed vs the 24' shown before. Lippert said 20' would be safer as outlined by the NTSB. Edland said that as the parking lot behind the MCC is developed the alley will turn more into a street. Ellison said the alley going west from the area is 15' wide and it would be hard to widen so he prefers keeping the whole alley narrower to avoid problems. Zuroff said he feels that a 24' alley by the Lutheran Church (Church) as was originally described would improve the use of the alley. Sexton feels more parking will be needed as the development progresses. Randy Hatzenbuhler said that NTSB recommendations would encourage a narrower alley and various means to slow traffic. Edland said he doesn't think going narrower will slow traffic down. Lippert said that setting up a one-way situation is often used in such conditions with signs, etc. used to manage flow. Lippert said they suggest closing off access between the Motel and the MCC lot. Corneil said he has heard TRMF would like to close the link, he feels that most traffic from the west goes to the Court House and the north south traffic goes through the link. Edland said that the County emergency responders will likely keep going out to the west. Corneil said we probably want a two-way alley as a one-way will not be convenient for the County. Edland said he feels the Council is looking at a wider alley. Alley width around town varies with some being 15'. Edland feels that adding 6' would make room for traffic. Zuroff said a one-way alley has not been approved and we need to deal with the alley width now, Sexton agreed. Hatzenbuhler said they provided options based on NTSB recommendations and if that's not OK we will work with the options. Paul Douglas commented that we can control speed with speed bumps and other techniques. Hatzenbuhler said the City can work with the Church. Zuroff said we have said before we do not want to put the Church in the middle and make it their problem. Hatzenbuhler asked if the City asked for the wider alley, Lippert said it was discussed early on, Njos said he doesn't recall requesting the wider alley and he didn't know where the lines were before spring, but the plan as approved by Zoning had a 24' alley with 3' easement on each side. Lippert said he felt they were requested to put in a 10' easement. Hatzenbuhler suggested we need to clean up the easements and he feels the current location of the curb is working well; he said the Council needs to decide if the new plat is OK or not, and he does not feel TRMF has violated the DA. Sexton said the plat was given to Njos but it wasn't followed. Hatzenbuhler said if we can get everything on TRMF property we are bringing a plat to proceed with the next phase, it is up to the Council to agree or not; the project is an opportunity to resolve existing issues, improve water drainage and provide attractions; he felt this meeting was to discuss options on how to resolve the situation and proceed. Ellison feels that with a 45-space parking lot we want a north south traffic flow as going west impacts families, other businesses, the County, etc.; he feels routing traffic west creates more safety issues. The

JE Dunn representative asked if the City was planning on widening the alley, Njos said no, he replied the proposal would increase the alley a foot or more. More discussion continued about the best width for the alley. Njos said it was discussed to put the sidewalk around the trees if that was a concern. Zuroff asked how wide the alley was on the plat that was presented, Lippert said 24'. Hatzenbuhler said they were told not to put pressure on the Church and they haven't, he knows the lot has been full at times with events, he would like to work with the City on the parking lot as a shared project or swap the parking lot for the old fire hall and make the parking lot a public lot, he doesn't feel the plan as presented was smart and it didn't clean up problems, he wants to reach an agreement that cleans up old problems and moves forward. The JE Dunn rep said he understands they need to bring issues to Mike going forward as situations come up all the time that need decisions. Ellison said the scale of the project is causing the problems, there is nothing personal. Corneil said that drivers don't always follow signs; what if we leave the original plat in place, leave the curb, etc. as installed and look at what we can do on traffic control and other issues so we leave our options open for corrective action as we proceed, we will leave the 10' easement and cutting off 9" seems ridiculous. Hatzenbuhler stated he doesn't know that would be a wise move as it doesn't solve the confusion. Corneil asked if we should look at this as a violation of the DA or what as he sees Hatzenbuhler's concerns with leaving as is. Hatzenbuhler said he doesn't know what the Church will choose as a position, but he would like to find the win/win. Can we focus on long term issues? Corneil said we should keep the east side easement and then look at the west side situation. Njos said the DA is the only way to have the developer pay to fix the problem. Zuroff feels we want 24' at least and we can deal with how to slow traffic. Njos repeated that the plat was presented to Zoning by TRMF and was approved. Sexton feels the City went along with proceeding with the understanding that the plat would be as presented. Hatzenbuhler asked why they can't find out if the Church is interested in giving an easement, when they talked to the Church the response was the Church wanted to know where the City stands, if TRMF can talk with the Church they would like to offer them an opportunity. Sexton said she thought this meeting was to see options. Hatzenbuhler understood they weren't supposed to be talking with the Church. Sexton said the point was they shouldn't be pressuring the Church and its up to the Church if they want to talk, go ahead and show the Church your proposals under those terms. Lippert said the Council has seen their proposal, Sexton said she doesn't recall that. Lippert handed out Exhibit B drawings which he said they had at the last meeting. Hatzenbuhler said the Church wants to know what the City is willing to do, TRMF will deal with the Church and the costs. Paul Douglas commented that speaking for himself he doesn't care for the triangularization approach, he wants to understand the City direction. Jordan Morin said she is a member of the Church council, and she has had a long-term connection to the Church as her grandparents were Church members, she asked that we give the Church their options so they can decide, funds are tight to do projects. Sexton asked if the west side will get a curb when the alley is paved, Njos said yes. Hatzenbuhler asked if the City will endorse a 24' wide plan, Njos said we said before it isn't up to the City to fix the situation. Sexton asked if we needed another meeting to provide time for the Church discussion. Hatzenbuhler said that the communication from the Church was they need to know the City direction and if the City will endorse a 24' option. Ellison said he likes the option of TRMF going to the Church with a 24' option. Corneil said that he doesn't know if 20' or 24' will do it as we need to deal with the electrical boxes, deal with ways to manage traffic, etc. in coming to the best conclusion, but he does feel that paving will create more drainage issues that will need to be dealt with including looking at getting water diverted underground and whatever solutions make sense to all involved. Ellison said he thinks the current road has been there over 20 years so there is a prescriptive easement. Corneil feels there is a trade off opportunity in dealing with the situation. Sitter asked if the City is open to Exhibit B approach, Sexton said that we need to hear from the Church. Douglas said the Council needs to set the direction. Njos stated that engineering wise the alley will probably work where it is now but it does require a Church easement and the Developer is responsible for bringing options

forward. Zuroff said removing the September 1 requirement motion is not an option. Ellison moved to state the City is open to an acknowledgement of a resolution between TRMF and the Church, no second, motion failed. Morin stated she feels that if there is an opportunity for the Church to get curb and gutter, she wants a chance to bring it forward to see if it can be worked out. Edland commented that drainage will need to be addressed when the parking lot is done. Sexton emphasized that her statements at the July meeting did not mean that TRMF could not talk with the Church, she did not want pressure put on the Church. Zuroff, Sexton and Edland agreed they want to know if the Church Council has an interest in what is proposed by TRMF. Sexton stated that the option now is to move the curb, gutter and sidewalk east. Hatzenbuhler said it feels like there is enforcement here so how do we deal with it? NTSB says there is a better way, would it help if a fine were given? The JE Dunn representative said that in other places fines are given and the work not torn out, it goes on all the time. Ellison commented that Medora Zoning has fined in some situations. Hatzenbuhler said that we can end up in court if the plat isn't approved, and he feels good options have been offered to current problems, are we going to court or working on resolution? Zuroff said we want a 24' alley. Hatzenbuhler said they want to go to the Church but need some assurance that the City wants a solution, he said for the City to go ahead and fine and find a way so we can move forward with reasonable solutions. Corneil said that the Council shows by the time spent in discussion that there is interest in resolving the situation. Ellison stated that the Council is interested in any potential solutions that TRMF and the Church can bring forward. Zuroff stated that if there is an acceptable solution we will consider it. Ellison said he would vote for Exhibit B if the Church were agreeable. Hatzenbuhler asked that if the Church and TRMF reach agreement on a plan which gives a 24' road is that OK? Douglas and Morin said they think the Church should consider Exhibit B. Douglas stated that he and Hatzenbuhler talked about the situation and he didn't feel pressured. Morin asked if the Church and TRMF come up with a solution will the City consider it? Ellison agreed we would. Morin stated she would pursue discussion with Church people and advocate for the Church to listen to what is proposed.

Zuroff moved the meeting be adjourned, Sexton seconded. Motion passed unanimously. Meeting adjourned at 9:32pm.

Reminder - the next regular Council Meeting is September 1 at 7:00 pm.

Attest: _____ Todd Corneil, Mayor

Attest: _____ Gary Ridenhower, City Auditor