

City of Medora
Draft Minutes of Regular Meeting
September 10, 2020
(Subject to Council review and approval)

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

Minutes from July 29 Special Meeting, August 4 Council Meeting, August 12 Special Meeting were reviewed. Sexton moved to approve the minutes from the July 29 Special Meeting, August 4 Council Meeting, August 12 Special Meeting as presented, Zuroff seconded. Motion passed unanimously.

Department Reports

City Engineer Mike Njos – Njos presented his report, work is in progress on agreed projects.

City Attorney Report – topics covered elsewhere.

Ambulance Report – none presented.

Police Department - a written report was reviewed.

Public Works report – a written report was reviewed.

MCC report – no report was submitted.

City Auditor report – Ridenhower requested approval to offer the same Vacation Garbage Rate plan as last year, agreed to proceed.

Old Business

Review of development plans and sliding scale fee schedules provided May 12 – update new members – continued to October.

TR Presidential Library update – Ellison reported that the design selection is in process.

Point to Point Park, City Engineer Inspection thru Phase II Mini-Golf – TRMF – Clarence Sitter reviewed a letter from TRMF to the City dated August 28 which included two options as solutions. He also introduced Nick Lippert from JLG Architects, and Marc Mellmer from JE Dunn, the Contractor. Clarence apologized for the error that was made and committed to assuring better oversight in the future. The TRMF management team and Board want a good relationship with the City. TRMF met with the Medora Lutheran Church representatives and minutes of the meeting have been provided. Solution 1 in the letter wasn't approved by the TRMF Board but Solution 2 was approved. Solution 2 was explained including it proposed a 20' alley; leaving the curb, gutter and sidewalk as built (but they will move the curb off city roadway if required); installing curb and gutter on the west side at no cost to the Church or City; and some provisions for improving the land behind the MCC for project parking. Solution 2 was discussed and the Council input was: we agreed on a 24' alley width, we need to get the constructed curb off City right of way, and we expect there will be more parking needed as the Park is utilized. Ellison moved to accept Solution 2 in the letter of August 28, no second, motion failed. Concern was voiced that proceeding with a 20' alley width will only postpone having to deal with a 24' width. Sexton, Zuroff and Edland all voiced concern that parking is going to be a major issue in the future. Sexton

stated that she doesn't see us moving forward until we get this issue resolved, and the as constructed curb, gutter and sidewalk need to go and be replaced where they were agreed upon. Kuntz stated that the violation of the Development Agreement is defined as a Public Nuisance with a fine of \$100 per day, and she would suggest using the expected cost of contesting toward resolution. Randy Hatzenbuhler stated that their Board preferred getting adjacent owners to agree on the preferred approach and they appreciate the position the Church has taken. Hatzenbuhler stated he hopes the City looks at the overall parking situation in the City as this is needed, he will go back to the TRMF Board with whatever proposal can be pursued. Various options for modifying the planned alley width and the as built curb and gutter were discussed. Njos stated that the DA specifies who pays the costs of the solution so that is clear. Edland moved to enforce a fine of \$100 per day starting September 1 until there is resolution, Zuroff seconded. Discussion included: Sexton – we had an agreement on what would happen, if you are not agreeing then tear it out and start over; where the parking lot goes was not part of the discussion so far. Zuroff – put the curb, gutter and sidewalk where the DA said it would go. Njos – the DA says where the curb and gutter were to be located. Motion approved, three yes and one no. Sexton moved that the curb and gutter on the east side of the alley be moved to the location designated in the DA by November 1, Edland seconded, motion passed unanimously. Hatzenbuhler requested a proposal from the Council that he can take to the TRMF Board. Corneil stated that he, Njos and others brought concerns forward to TRMF when the work was being done as the forms were obviously not put where specified in the DA, but the cement was poured anyway, the City advised TRMF of the problem and held off on disrupting the area during the summer season. We have a clear direction from the Council that the acceptable solution is to take out what was done and construct what was agreed upon. Njos said there appears to be two options, tear out what is there and put it where it was agreed or put in a 24' alleyway centered up on the current right of way as the adjacent owners do not agree with the other proposals. Sexton stated that the location of the curb, gutter and sidewalk as built do not comply with the DA, and even worse are partially on City right of way. A 5-minute recess was requested. After the recess Sitter proposed they take a proposal to the TRMF Board to provide a 24' roadway in the alley by adding 2.5' on each side of the current 20' City roadway with a 25' total easement and 24' curb face to curb face. Details provided by several others included: the east side existing curb, gutter and sidewalk will be removed; and a new curb and gutter will be constructed on the east side at the 12.5' line with a new sidewalk constructed to the east in a way to assure pedestrian safety and preserve trees as possible. The curb and gutter on the west side will be constructed at the west 12.5' line this fall. The curbs and gutters will be placed at the correct location, elevation, etc. When the curbs are installed the space between the current roadway and the new curb and gutter will be filled and cold packed with asphalt to provide a temporary roadway, the final roadway will need to be engineered and constructed when it fits in future phases. Consideration to install the new sidewalk in the spring was requested due to potential fall weather concerns. Dean Rodne from the Medora Lutheran Church asked how the southeast corner will be handled as the Church wants the 24' roadway arrangements continued around the corner, Rodne also asked how far west the curb and gutter will be installed this fall. The JE Dunn representative said that getting the west side curb and gutter at the right elevation is very important but it will not be attractive at this point, they would expect the curb and gutter will extend just past the power boxes at this point. The Architect said that they expect the lay out will be similar to Njos exhibit drawing but they will need to adjust to deal with the elevation. When asked if the Council would

support this proposed solution the response was: Sexton – if TRMF Board agrees we will likely support. When asked by Hatzenbuhler if there could be a motion to agree to move contingent on TRMF Board agreement the response by Sexton was it is hard to agree when we haven't seen a plan. Sexton stated she will support if we have a plan that matches the discussion and the TRMF Board approves it. Ellison stated he will support it also. Zuroff stated he will support it if it provides the 24' curb face to curb face and the other items discussed, Edland agreed. Corneil commented that this has been a productive session. The Architect said the plan would be to have the curbs and gutters within the 25' right of way with easements going to 25'. Njos stated that his view is the 20' existing right of way stays with 2.5' added on each side making it a 25' dedicated right of way, and there will need to be a new plat on the Church side as well as the east side. The Church stated they prefer an easement along the side, the south side, and for an apron next to Broadway if needed, Rodne said they will need Church Board approval if a dedicated right of way is requested. Kuntz said that using easements makes it more messy on the title but either can work. Sitter asked if they tear out the existing east side curb, gutter and sidewalk tomorrow are they noncompliant. Sexton said they can tear out what was done but there has to be a Special Council Meeting to approve a plan and deal with the fines. Rodne said they will need to hold a Church Board meeting to get approval for dedicated right of way. Kuntz said Church approval isn't needed before the Council meets to approve a plan as it can be worked out if they don't agree with dedicated right of way. Sexton said if the TRMF Board approves the plan we should hold a Special Council Meeting as soon as there is a documented plan to review. The direction was for the Architect and Njos to deliver a plan diagram to prepare for a Special Meeting and for TRMF to advise the City Auditor to schedule a Special Meeting when they have their Board's approval.

New Business

Chamber of Commerce Raffle Permit 05-2020, November 6 – Mary Griffin – Sexton moved to approve Raffle Permit 05-2020 for the Chamber of Commerce, Ellison seconded. Motion approved.

Use of gym by DeMores School students – Gary Ridenhower – it is approved for the DeMores school to resume using the gym for physical education, other athletic events will need individual Council approval.

Miscellaneous Business

Fire Department Tanker – Derwin Zuroff - the tank on the Fire tanker will have to be replaced as it can't be repaired, all previously unearmarked funds may be needed to cover the cost. Zuroff will advise.

Outdoor Dance-Music Permit request for September 26 – Ridenhower reviewed the Permit request from Brett Lefor for a reception at the Cowboy Hall of Fame, Chief Lapp has discussed the request and approved the agreement. The direction is the beverage trailer may be open during the music and security must be on site 8-midnight. Ellison moved to approved the request for an Outdoor Dance-Music permit for September 26 at the NDCHOF, Zuroff seconded. Motion approved.

Law Enforcement Payroll Reimbursement – Ridenhower advised that we filed and received part 1 of the state allocation of funds from the Coronavirus Relief Fund based on reimbursement of law enforcement payroll expense for March through July totaling \$84,532.65. We will file for part 2 for August through September. The funds are to be used to fund infrastructure or related projects. We will set the money aside and decide which projects to fund at a later date. Corneil asked if we have any unfunded Police

related projects, Chief Lapp said that we would be looking to fund a state radio upgrade within a year so maybe we would consider a cost share from these funds and the department budget. This will be considered.

Financial Statements

Financials - Ellison moved to accept the financials and claims as presented, Sexton seconded. Motion approved.

3087	330 ROUGHRIDER ELECTRIC COOP, INC	1851.62
3088	643 WASTE MANANGEMENT	184.88
3089	682 BILLINGS COUNTY WEED BOARD	237.44
3090	731 LINDBO WELDING SALES & SERVICE	65.00
3091	10 AMERICAN INSURANCE, INC	143.00
3092	791 FIRST STATE BANK	125.23
3093	330 ROUGHRIDER ELECTRIC COOP, INC	1504.84
3094	352 SOUTHWEST WATER AUTHORITY	24287.46
3095	643 WASTE MANANGEMENT	190.49
5292	330 ROUGHRIDER ELECTRIC COOP, INC	35.00
5293	330 ROUGHRIDER ELECTRIC COOP, INC	35.00
17915	169 ITD	54.20
17916	258 ND WORKFORCE SAFETY AND INSURANCE	9.35
17917	330 ROUGHRIDER ELECTRIC COOP, INC	4164.77
17925	523 AT&T Mobility	449.54
17926	VISION INSURANC FIDELITY SECURITY LIFE	58.08
17927	805 AMAZON CAPITAL SERVICES	507.15
17928	33 BELFIELD AUTO SUPPLY, INC	223.28
17929	35 BERGER ELECTRIC, INC.	920.05
17930	42 BILLINGS COUNTY PIONEER	128.77
17931	815 BOSS OFFICE PRODUCTS	47.27
17932	60 BRAUN DISTRIBUTING	37.40
17933	73 CHILLER SYSTEMS, INC	0.00
17934	99 DAKOTA DUST-TEX, INC.	166.00
17935	567 Foremost Insurance Company/Grand	0.00
17936	846 HIGH TIDE TECHNOLOGIES	240.00
17939	229 MIDSTATE TELEPHONE COMPANY	871.80
17940	631 Perry Roofing	4403.75
17941	751 PROSERVE ELECTRICAL	382.25
17942	335 RUNNINGS SUPPLY, INC.	75.31
17943	349 SOUTHWEST BUSINESS MACHINES, INC	36.00
17944	364 STEIN'S, INC	644.66
17945	378 THEODORE ROOSEVELT MEDORA FDTN	20.57
17946	733 THUMPER'S GUNS & AMMO, LLC	745.00
17947	835 VOGEL LAW FIRM	4466.00
17948	689 WEST DAKOTA VET CLINIC INC.	216.48
17949	73 CHILLER SYSTEMS, INC	2915.77
17950	226 MID-AMERICAN RESEARCH CHEMICAL	340.43
17951	557 Legal Edge Solutions, PLLC	2100.00
17952	791 FIRST STATE BANK	68.65
17953	296 POSTMASTER	110.00

17956	42 BILLINGS COUNTY PIONEER	769.46
17957	815 BOSS OFFICE PRODUCTS	15.45
17958	135 FARMERS UNION	527.46
17959	567 Foremost Insurance Company/Grand	0.00
17960	444 HIGHLANDS ENGINEERING & SURVEYING	12855.00
17961	330 ROUGHRIDER ELECTRIC COOP, INC	3801.02
17962	352 SOUTHWEST WATER AUTHORITY	51.51
17963	364 STEIN'S, INC	192.04
17964	AFLAC	165.24
17965	DENTAL INSURANC AMERITAS	576.40
17966	VISION INSURANC FIDELITY SECURITY LIFE	58.08
	FIT EFTPS	9857.12
	RENT CITY OF MEDORA	675.00
	NDPERS DEFERRED COMP DEP	820.00
	NDPERS RETIREMN NDPERS	2779.78
	GROUP TERM LIFE NDPERS HEALTH	7584.01
	PAYROLL 8/7	11231.29
	PAYROLL 8/21	13300.55
	PAYROLL 9/4	11369.81

Deadline for Zoning Applications was Friday, September 4 @ 12:00pm with the Zoning Meeting being Tuesday, September 15 @ 6:00pm. The Deadline for Council Agenda Items is Friday, October 2 @ 12:00pm and the next Council Meeting is Tuesday, October 6 @ 6:00pm. (Note Fall start time change)

Zuroff moved the meeting be adjourned. Meeting adjourned at 9:16 pm.

Attest: _____ Todd Corneil, Mayor

Attest: _____ Gary Ridenhower, City Auditor