

City of Medora
Minutes of Regular Meeting
January 5, 2016
(Subject to Council review and approval)

Meeting was called to order at 6:00pm by Mayor Douglas Ellison. Present were Councilmen Ben Brannum, Todd Corneil, Denis Joyce, and John Tczap. City Attorney, Sandy Kuntz, and City Engineer, Mike Njos, were also present.

Minutes from the December 1 regular meeting and December 29 special meeting were reviewed. Joyce wanted the following wording added to the fifth paragraph of the December 1 minutes regarding MCC Security requirements, "...alcohol could be served at wedding receptions without security present." Joyce moved to approve the December 1 and December 29 minutes. Second by Brannum. Minutes were unanimously approved.

City Engineer, Mike Njos, reviewed his Engineer's Report. Regarding the Second Street South Extension project, Njos has been in contact with BNSF. The City has a permit but no access easement with BNSF. The DOT TAP application was submitted to extend the walking path. A meeting with GT Architecture regarding the ADA Compliant Stalls in the MCC still needs to be scheduled.

Attorney Kuntz presented Ordinance 05-2015 with additional language that clarifies the ND provisions are in addition to the City Ordinances. Kuntz stated this is just a clerical change, so don't have to change the amendment number. Tczap made the motion to approve Ordinance 05-2015. Second by Corneil. Motion passed unanimously. Kuntz has reviewed the Medora Community Center packet and contract. She will visit with MCC Manager, Scott Rask, before finalizing changes. It will be streamlined and operate more like a lease.

The written monthly ambulance report from December was reviewed. The written monthly police report and 2015 summary report were presented for review. Bey noted that calls are down. Nathaniel Awender's schedule is worked out every Monday between the Police Dept. and Civic Works. He will be attending the Police Academy February 4-April 27. Public Works Director, Dell Beach, reported that everything is going good.

City Auditor, Carla Steffen, presented her report. The City Election will be held with the General Election on June 14. There are 3 terms up in 2016: Mayor Ellison, Councilmen Tczap and Joyce. Petitions are in the City Auditor's office. The filing deadline is 4:00 p.m. on April 11. The 2008 Ordinance Book has been reviewed and brought up to date. Brannum made the motion to adopt the 2016 Ordinance Book, second by Corneil. Motion passed unanimously. Steffen reported the City was not a recipient of the ND Parks & Rec. Community Grant for tennis court repairs. It was the consensus of the Council to still look at doing repairs. Pledge reports from First State Bank and Bank of the West were reviewed. Both banks continue to meet the securities requirements. The veterinary service line in the 2016 budget needs to be amended to cover the vet expenses for feral cats in Medora. Corneil made the motion to amend

budget line 100-42100-396 by \$1,750.00. Second by Brannum. Motion passed unanimously. Ellison thanked Steffen for her work in having Medora become a ND Cares Community and showed the Certificate that was signed by Betsy Dalrymple and presented to Medora during the Cowboy Christmas Veteran's Ceremony.

The first item of Old Business was the Deannexation of 12.55 acres of Arnie Skachenko's 17.55 acre parcel named Rocking Triangle Subdivision. Skachenko was represented by Attorney Christina Wenko. Kuntz stated the Deannexation request would have to go before Billings County Commission because that land would go back to their jurisdiction. Ellison asked if there would be any specific costs to the City. Kuntz replied that the costs would be Skachenko's responsibility. City Engineer Njos has no objections with deannexing the 12.55 acres but stated platting the other 5 acres does not automatically mean it can be developed. The legal description of the property will be verified by Njos and Kuntz. The registered deed of this property is #145475. Corneil made the motion to allow Deannexation of the 12.55 acres of Arnie Skachenko's 17.55 acre parcel with a required written agreement as a condition of the Deannexation which would include: 1. Platting of the 5 acres. 2. Designation and dedication of all easements for utilities and access, ROWs, and streets, storm water plans, etc and 3. Specific term in the contract that the City does not guarantee or intend to provide city infrastructure or services to the parcel, and 4. A handful of boilerplate terms to protect the City from liabilities. Second by Tczap. Motion passed unanimously.

The second Old Business item was the Zoning Commission recommendation regarding a fine for non-compliance of Application 13-26 submitted by Arnie Skachenko and Georgie Beckert. Skachenko and Beckert were represented by Attorney Christina Wenko. The Nov. 17, 2015 Zoning Board minutes reflect a recommendation to the City Council of issuing a fine of \$5,000. The recommendation was based on the violations of building a home larger than what was originally approved and beginning to build after the permit had expired. Wenko asked that the fine be waived because there was a misconception of understanding. Kuntz stated if an approved zoning application changes, the responsibility falls on the owner and if the owner doesn't understand the process it is up to them to get the correct information. Rules mean nothing if there is not accountability; owners must get permission, not ask for forgiveness. Zoning Board members in the audience shared their concerns and it was suggested that tree planting on the property should also be part of the sanction in lieu of not requiring the structure to be modified. Ellison stated fines have been issued in the past and various examples were cited. Wenko asked how the situation can best be rectified. Ellison stated it would be unreasonable to change the structure, but it is a violation and a penalty is appropriate. After further discussion, Brannum made the motion to 1: Affirm the Zoning Board fine of \$5,000, 2: Refer Skachenko/Beckert back to the Zoning Board and its normal process for approval of their structure "as built"; and 3: The landscaping plan is required as part of the remedial sanctions in lieu of requiring the structure to be modified. Second by Tczap. Brannum rescinded his motion because he sits on the Zoning Board. Tczap rescinded his second. Tczap made the same motion as Brannum. Second by Corneil. Brannum abstained from voting. Tczap-aye; Corneil-aye; Joyce-aye. Motion passed.

The MACVB's 2016 budget was reviewed by the Council. Revenues reflected the 2015 Occupancy Tax revenue collection (minus 3% retained by the City) of \$122,596.98. The City budget reflected an anticipated \$119,990 expenditure to the MACVB. Steffen stated the occupancy tax expense budget needs to be amended by \$2,606.98 and the promotion expense budget needs to be amended by \$600 to reflect the \$600 ND Tourism Grant money received in 2015 that has not been spent yet. Tczap made the motion to amend budget line 222-41530-657 by \$2,606.98 and budget line 222-41530-365 by \$600.00. Second by Brannum. Motion passed unanimously.

Brannum made the motion to designate First State Bank and Bank of the West as the City's public depositories. Second by Joyce. Motion passed unanimously.

Financials were presented. Tczap made the motion to approve the financials. Second by Corneil. Motion passed unanimously.

2714	SOUTHWEST WATER AUTHORITY	3237.89
5069	STATE TAX COMMISSIONER	537.51
14719	AT&T Mobility	123.80
14720	BILLINGS COUNTY TREASURER	1456.64
14721	BORDER STATES ELECTRIC SUPPLY	62.54
14722	CARLA STEFFEN	250.00
14723	DAKOTA DUST-TEX, INC.	177.50
14724	MIDSTATE TELEPHONE COMPANY	772.29
14725	SIMPLEX GRINNELL LP	301.82
14726	SOUTHWEST WATER AUTHORITY	41.27

Payroll and other Pre-Pays:

14714	Office of State Tax Commissioner	545.11
14715	Ameritas (Dental Insurance)	522.64
14716	Avesis (Vision Insurance)	66.12
14717	NDPERS Retirement	3053.34
14718	NDPERS Def Comp	636.50
14727	NDPERS Health	6845.12

Mayor Ellison read the announcements. There being no other business, Brannum motioned to adjourn. With no objection, meeting was adjourned at 7:33 p.m.

Attest: _____ Douglas Ellison, Mayor

Attest: _____ Carla Steffen, City Auditor