

City of Medora
Minutes of Regular Meeting
January 4, 2018
(Subject to Council review and approval)

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

Minutes from the December 5 regular meeting and December 21 special meeting were reviewed. Tczap made the motion to approve the minutes as presented. Second by Joyce. Motion passed unanimously.

City Engineer, Mike Njos, provided the environmental documents for the Multiuse trail and needs the Mayor's signature to move forward. If lighting improvements are wanted, it would be about \$70,000 and could be done after the project is complete. The conduit could be laid in advance. The type of lights and how many would be needed, can also be decided later. Tczap made the motion to approve the environmental study with provisions for future lighting. Second by Joyce. Motion passed unanimously.

City Attorney, Sandy Kuntz, reported that her items will be covered under OB and NB.

The written Police Dept., Public Works, and MCC reports were reviewed. City Auditor, Carla Steffen, reported that a budget amendment is needed so the occupancy tax can be distributed to the Medora CVB. The 2017 occupancy tax revenues exceeded the budgeted amount. Tczap made the motion to amend 222-41530-657 by \$11,335.00. Second by Joyce. Motion passed unanimously. The 2017 year-end financial statement was reviewed and will be published per NDCC 40-16-04. Wosepka Accounting will perform an external audit later this year. The City has been awarded 2 grants for a total of \$25,000 toward breathing apparatuses for the City Fire Dept. The Council thanked Steffen for writing the grants.

Apex Engineers, Mike Berg and Scott Schneider, along with City Engineer, Mike Njos, were available to present planning phase information and cost estimates for the aeration pond. Equipment for the aeration pond is in the construction estimate. Berg explained that the original study Apex did determined existing conditions and concluded the ponds are only adequate for current flow. Njos feels the Apex contract is reasonable. The higher end of the estimate does include a pipeline if needed. Corneil feels it is a good proposal and City knows there are some variables in it. Joyce made the motion to approve proceeding with the project accepting the Apex estimate that engineering fees will be 20% of total project cost with the provision the City can cancel contract with Apex any time during the project. Second by Tczap. Discussion-Slauter would like clarification when the work would begin. Berg feels final design would be done by mid-July, 2018 so there would be time for bidding. Slauter added that he appreciates that Council is ready to move but is troubled by the 20% engineering fees. He would like engineering fees capped at \$300,000. Berg clarified that when planning phase is complete, the project costs will be defined. Schneider added there are still undetermined variables. City can commit to only

go through the planning phase for now and then amend the contract. Joyce amended his motion to approve proceeding with the project accepting the Apex estimate for the first phase of planning and the contract will include a maximum not to exceed \$42,000. Second by Tczap. Motion passed unanimously.

TRMF CEO, Randy Hatzenbuler, questioned if the City should negotiate what growth is in the total cost estimate. Berg said the estimates are based on doubling current capacity. Hatzenbuler feels the project needs to be moved forward more quickly and questions the need for some of the steps laid out in the planning phase document. TRMF is building a \$6 million project and is frustrated by a 2019 aeration pond completion date. He would like City to come to a solution without over-analyzing. Corneil feels there's been a lot of progress since July and just because we'd like to build it fast doesn't mean it will happen that way. Hatzenbuler stated TRMF initially anticipated 400 rooms with their project and it will now be about 360-370 rooms. He's asking to be on February agenda to amend the original development agreement showing a net increase of 47 rooms. The plan is to take the boy's dorm totally out of commission for the 2018 season. Njos asked for TRMF to include a room configuration with their request.

Ordinance 04-2017, regarding transient merchants, was presented for a final reading. Corneil would like the application form revamped to match more accurately with the ordinance. Regarding craft shows and events deemed "special events" by the Council, they would be exempt from the transient merchant application because the event sponsors are responsible for keeping those lists accurate. Slauter made the motion to approve the 2nd Reading of Ordinance 04-2017 with further refinement of the application form. Second by Tczap. Motion carried unanimously.

Pledge reports from First State Bank and Bank of the West were reviewed. Both banks continue to meet the pledge of security requirements. Joyce made the motion to designate First State Bank and Bank of the West as the City's depositories of public funds (per NDCC 21-04-13). Second by Tczap. Motion passed unanimously.

Steffen will put together information for Council regarding 2017 year-end sewer and garbage financials.

A violation of Zoning Application 16-45, Norbert Sickler's application to extend his fence, was reviewed. Slauter explained that the draft minutes from the 12-19-17 Zoning Meeting explain the violation and the recommendation to the Council for a \$250 fine and a May 15, 2018 deadline to bring the entire fence to 6' in height or remove the fence. Sickler stated that he made the section closest to the street 2' shorter because of safety concerns. He referred to fence ordinances that other cities have in place. Corneil asked if the fence ordinance needs to be addressed. Tczap feels the request for a new fence ordinance shouldn't cloud the fact that the zoning application process wasn't correctly followed. Joyce agrees that Council needs to follow Zoning recommendation and the agenda item is not to discuss a new ordinance. Kuntz agrees and if Sickler wants to discuss a new fence ordinance, that needs to be placed on a future agenda. Joyce made the motion to approve the Zoning Commission's recommendation to bring the entire fence to 6' or remove it and levy a fine of \$250. Second by Slauter. Motion passed unanimously.

Kuntz clarified that if the City wants authority to grant property tax abatements to new businesses, it must be put to the vote of the people. The City Election is June 12. It was the consensus of the Council that it should be on the ballot. Steffen will meet with County Auditor on this and send a draft to Kuntz.

Kuntz has reviewed the City's Employee Policy and there are some changes that need to be made. Kuntz and Steffen will review and bring recommendations to Council. Council code of ethics/conduct can be kept separate from Policy and can be incorporated into ordinance.

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

2837	SOUTHWEST WATER AUTHORITY	1579.61
16248	BELFIELD AUTO SUPPLY, INC	73.81
16249	BILLINGS CO AUDITOR	1088.00
16250	BILLINGS COUNTY TREASURER	1853.56
16251	DAKOTA DUST-TEX, INC.	159.60
16252	FARMERS UNION	2040.00
16253	HIGHLANDS ENGINEERING & SURVEYING, PLLC	6405.00
16254	Legal Edge Solutions, PLLC	2100.00
16255	MEDORA AREA CVB	108334.24
16256	MIDSTATE TELEPHONE COMPANY	689.85
16257	Russel Lapp	45.00
16258	SOUTHWEST WATER AUTHORITY	43.46
16259	STAPLES	84.45
16260	WORKFORCE SAFETY & INSURANCE	3051.74

Payroll and other Pre-Pays:

12-1-17		7624.91
12-6-17		1307.17
12-15-17		10718.66
12-29-17		8486.76
December Payroll Taxes		8817.55
16219	NDPERS Def Comp	704.00
16242	NDPERS Health	7743.87
16243	NDPERS Retirement	4655.95
16244	Aflac	448.74
16245	Ameritas (Dental Insurance)	693.29
16246	Avesis (vision Insurance)	75.29
16247	Office of State Tax Commissioner	620.32

Mayor Corneil read the announcements. There being no other business, Brannum motioned to adjourn. With no objection, meeting was adjourned at 9:14p.m.

Attest: _____ Todd Corneil, Mayor

Attest: _____ Carla Steffen, City Auditor