

City of Medora
Minutes of Regular Meeting
June 5, 2018
(Subject to Council review and approval)

Meeting was called to order at 7:00 p.m. by Mayor Todd Corneil. Present were Councilmen Denis Joyce, John Tczap, Ben Brannum, and Kinley Slauter. City Engineer, Mike Njos and City Attorney, Sandy Kuntz were also present.

Minutes from the May 1 Council, May 14 Special Meeting, and May 14 Public hearing were reviewed. Brannum made the motion to approve the minutes, second by Tczap. Motion passed unanimously.

City Engineer, Mike Njos, reviewed his written Engineer's Report. Northern Improvement has done the street patching as bid. Njos will check to be sure that Roughrider Electric patches properly where they are digging.

City Attorney, Sandra Kuntz, will cover her material under the Agenda items for them.

The written Ambulance and Police reports were reviewed. Chief Lapp introduced seasonal officer, Paul Emmett.

Dell Beach and Brett Ostermann presented written monthly reports.

Jim Wosepka presented the 2017 Audit Report. He reported that no major issues were found. There continues to be concern with the lack of internal controls due to the inability to segregate duties with the small staff (not unusual for a small city). Slauter moved that the 2017 Audit Report be accepted as given. Brannum seconded. Motion carried unanimously.

City Auditor, Gary Ridenhower, presented his monthly report. Carla Steffen and the Mayor have signed the Consulting Agreement and Steffen has been assisting Ridenhower as agreed. A request for a \$.50 per hour increase for Barb Bokinskie to help offset reductions in her benefits from working reduced hours was reviewed. Slauter moved that Barb be given a \$.50 per hour increase as requested. Slauter seconded. Motion carried unanimously. Revenues are up significantly, primarily due to increases in Oil & Gas. First drafts of changes to the Employee Handbook will be sent to the Council and Attorney via email for input.

OB

One quote on the MCC roof repair was reviewed. Slauter will contact contractors to get another quote. No action at this time.

Apex Lagoon Update - Mike Berg and Susan Hazelett from Apex gave an overview of the Lagoon Project, and reviewed alternatives and their recommended approach to address identified deficiencies and serve future needs. Njos will review the report, make recommendations, and send the information to the Council. Njos recommended we hold a Special Meeting to review the project in detail.

There will be a Special Meeting on June 19 at 1:00pm to review the Lagoon Project proposal.

TRMF petition to vacate street – TRMF withdrew its request June 5

Randy Hatzenbuehler submitted a letter on June 5 stating that “TRMF respectfully withdraws its request to vacate Sixth Street” and “We appreciate and respect the feedback provided at the May 14 public input meeting”. Further, he indicated that they are working on a new site plan which addresses safety concerns and allows the proposed park to be developed without vacating the street, and “a preliminary application with the revised plans will be submitted for the June or July Medora Zoning meeting”. Joyce thanked everyone for their input on the issue.

Kuntz noted that the City received a letter with 60 signatures of people who requested the Council to “vote to dismiss the proposal of vacating Medora’s 6th Street”, the letter was open for anyone who was concerned to sign (not just residents). Tczap - this showed there was concern by a lot of people. The petition to vacate the street is withdrawn. The next step will be to consider a new application from TRMF if one is received.

Curb, gutter and tree removal issues at 420 Broadway – Slauter investigated the situation more as requested. The owner will get an estimate on the cost to remove the tree. The issue is continued until the next meeting.

Quotes to repair the sewer line at the Chuckwagon building – Beach reported that the line has been checked and there are no root problems now. There are bad spots in the line and he is getting quotes to repair using 4’ liners. Beach will get more information on how repair using liner pipe would be accomplished and what it would cost. Updates will be provided at the next Meeting if available.

Sewer line work at 455 Broadway – there were no roots in the City sewer line when it was checked by camera. After the owners had their line cleaned there was debris found in the City sewer so we assume the root debris came from the owner line. Screen shots of the City camera work were sent to the owners. Work completed points to the problem being in the owners’ line.

Roughrider Electric update – the City Attorney will follow up to get copies from Roughrider of the Easement documents that the City signed. Tczap asked if it is covered that Roughrider will return the surface condition to previous or better condition and repair quickly where they need to dig. Slauter stated that the franchise agreement should cover the repair of alleys, etc. Njos will monitor the situation and if Roughrider doesn’t act quickly he will advise them, and then proceed with repairs and charge them if they don’t respond on a timely basis.

Swimming pool repairs – Njos got two bids on repairs but he will also look for quotes from contractors working on other projects. We will need to decide how much repair work will be done. Slauter suggested we should get a clearer picture of the scope in July and then assess. There is money in the budget for repairs but coverage will need to be evaluated when quotes are received. Streit obtained recommendations from Sherwin Williams on building exterior surface repairs, she will get an estimate on the cost of what they recommend. She also got a siding estimate. Streit asked if we have a 5 year plan for the building, Brannum stated we are trying to fix what we have. Updates will be reviewed at the next meeting. Any sign requests should be sent to Kuntz for review.

Update on action on HR Policies and Procedures – Kuntz presented two proposals from Associated Employers to conduct a workplace investigation, one proposal offering significantly reduced rates if the City were to pay a membership fee. Corneil commented that this proposal seems to be looking back vs looking forward as was noted in the Minutes and suggested that the money may be better spent on HR Training and working on how to prevent future problems. Slauter asked Kuntz if the proposed work is appropriate, Kuntz said yes. Kuntz advised that there is no formal written complaint but one isn't needed for what is proposed. Brannum moved that the City engage Associated Employers as outlined in their proposal and the City should pay to become a member to get the reduced rate. Slauter seconded. Discussion about the need to reshape the previous motion. Kuntz feels the previous motion and the current motion are still appropriate. Three ayes, one opposed. Motion carried. Kuntz will proceed to engage Associated Employers as outlined.

NB

Bike and Build request for overnight stay at the MCC on July 31 – Slauter moved we allow Bike and Build to use the MCC for an overnight stay on July 31 and allow them to use the City Pool showers during business hours. Brannum seconded. Motion passed unanimously.

deMores Park construction discussion update – Kuntz has visited with Fern Swenson at NDSHS about the concerns with the situation at deMores Park. There are four people attending from NDSHS, Lorna Meidinger, Architectural Historian; Robert Hanna, Regional; Chris Dorfschmidt, Chateau site supervisor; and Ed Sahlstrom, Chateau site. Lorna presented information and lead answering questions.

Discussion:

Kuntz – there has always been good integrated action with Medora and the NDSHS, Fern didn't have any idea why there wasn't joint action on the deMores Park wall changes. We want to prevent future problems.

Meidinger – it probably got disconnected as the Architect (Thomas Linn) wasn't aware of the process that had been followed with Medora in the past, and the site supervisor was in transition.

Kuntz – Fern doesn't seem to object to being integrated, how do we assure alignment in the future?

Meidinger – Thomas Linn and Chris Dorfschmidt, local site supervisor, are the key contacts.

Kuntz – the City of Medora wants to reestablish contacts and get aligned with the NDSHS. We understand that the NDSHS has the right to make final decisions per the ND Attorney General.

Slauter – please clarify

Kuntz – it is grey but the ND Attorney General opinions seem to be that the NDSHS has the vote but the opinions also appear to be related to utilities so any clarification would have to come from court rulings. We had a good relationship in the past between NDSHS and the City so the best approach is to get back to the past approach.

Slauter – Zoning feels there was a violation of Medora City ordinances when a portion of the wall was removed, is the NDSHS committed to returning to past practices?

Meidinger – cannot answer this, must defer to Fern.

Kuntz – when she talked to Fern, Fern was concerned that everything shouldn't need to be brought to the City (maintenance, etc.) but she was not opposed to resuming the past approach with the City.

Meidinger – she was working on an application for National Historic Registration of deMores Park when she was told to stop her process as Randy brought up removing a portion of the wall, the first she had heard about this.

Public question – if we let this go then how do we prevent someone from taking down the whole wall. Resolutions back in the 80's stated that changes were not to be made to the Park.

Meidinger – she is preparing a proposal for the August 31 Historical Preservation Review Board to vote on National Historic Registration for deMores Park, if approved then likely it will get approved as a Historic Site. She did diagrams, pictures, etc. in January and she has now updated her documents with the wall changed.

Brannum – could the portion of the wall that was removed be put back?

Meidinger – the stones were numbered and stored, this could be considered if directed.

Public – is it appropriate for the City to request the wall be put back?

Slauter – Zoning consensus was about the process used not what was done.

Public – City Sales Tax helped pay for the Interpretive Center and the actions at deMores Park are a slap in the face, we should put on pressure through representatives and any way possible.

Meidinger – you should consider using your resources, representatives, etc. The feedback at the state level has been that the park isn't used enough and there is a desire to encourage usage.

Public – we disagree, the Park is used by many people. Someone at state should have checked with Medora citizens. We also understood that the park could not be used for profit.

Kuntz – would you consider a proposal from the community to put the wall back?

Meidinger – yes

Kuntz – if concerned citizens want they should bring forward a petition to Fern Swenson and the NDSHS.

Public – who starts the process

Slauter – this is up to the public but if desired the public can bring a petition through Zoning and have an open forum.

Meidinger – TRMF proposed the wall change. They can rent facilities through the NDSHS site and regional manager.

Public – who is funding the wall removal?

Meidinger – doesn't know, not her area.

Public – there was an event last weekend at the park, how was this approved?

Chris Dorfschmidt – it went through the NDSHS Site.

Slauter – there is an agreement between the NDSHS and TRMF that allows for TRMF to use the park. It started when TRMF talked to the NDSHS about the condition of the park and asked if TRMF could take

care of maintaining the park starting 2-3 years ago. TRMF pursued an arrangement a year or so ago with the NDSHS to use and maintain deMores Park, this agreement was presented to the City Council in May 2017 and there is an open record copy in the City Auditor's office. Slauter stated that he hasn't been personally involved in any discussions or in the agreement.

Next steps: citizens are open to pursue input, petitions, etc. as discussed. The City of Medora will work with the NDSHS to reestablish contacts and get aligned/operate jointly as had been done in the past.

Joyce made the motion to approve the Site Authorization for the Fort Abraham Lincoln Foundation to conduct gaming at the Little Missouri. Brannum seconded. Motion passed unanimously.

Bill & Joann Lowman request for reduced MCC rental rate – Brannum made the motion to approve a 50% reduction in the MCC rental fee for the Dakota Cowboy Poetry event May 26-27. Tczap seconded. Motion passed unanimously.

Swimming Pool and Public Works Seasonal pay rates-

There was significant discussion on the need for overtime, managing pool hours and services, etc. Key points include:

- overtime must be preapproved by the Portfolio holders.
- the pool schedule and activities will need to be managed to limit overtime and provide services. It is recognized that this can be difficult. Get Portfolio holders involved if it cannot be worked out.
- bus loads of people, holidays, swimming lessons, etc. stress the capabilities of the staff. There needs to be a balance between the services offered and hours of operation, and the lifeguard hours available.
- if we offer swimming lessons the fees need to cover the cost.
- until Portfolio holders can provide more guidance or another lifeguard hired, pool hours should be limited as needed to meet the overtime and other direction.

Streitz - do I get paid when I leave home or when I get a work call away from the pool? Slauter - paid when at the pool or when taking a work call away from the pool.

Streitz- what about getting paid for the hours already worked but not paid? Brannum – report the hours.

Approved for Streitz to hire another seasonal lifeguard if possible.

Joyce made the motion to increase the pool seasonal pay rates \$.50 per hour – rates will be new lifeguards \$11.50, returning lifeguards \$12.00 and the pool manager \$18.00 per hour. The pool manager will now be eligible for overtime pay over 40 hours and paid accordingly. Slauter seconded. Motion carried unanimously.

Slauter – an inquiry was made on the pay classification for the pool manager. It was determined the position should be nonexempt and eligible for overtime.

Slauter made the motion to classify the pool manager position as nonexempt from here forward with preapproval for up to 5 hours per week of overtime. Any overtime over 5 hours needs to be preapproved per policy. All hours worked should be submitted so they can be paid. Brannum seconded. Motion passed unanimously. This change is effective today.

Joyce made the motion to increase the Public Works seasonal worker rates \$.50 per hour – new worker pay rate will be \$11.50. Slauter seconded. Motion passed unanimously. Public Works workers need to be OSHA compliant on eye and hearing protection, etc. Beach will assure compliance.

Resolution of Bond for City Auditor - Slauter made the motion to confirm the bond of the City Auditor per NDCC 40-13-02. Joyce seconded. Motion carried unanimously. Kuntz will craft a statement to keep on record in the Auditor's office.

Bonnie Streitz requested permission to hold her annual craft show on the front MCC lawn June 22-24. Slauter made the motion to allow Streitz to hold her craft show on the MCC lawn June 22-24 as long as she is compliant with ordinances and sales tax rules. Second by Joyce. Motion carried unanimously.

Norma Myers request for year-round garbage rate – Joyce moved we grant the request from Norma Myers for a year-round garbage rate contingent on an annual review and immediate review if any business moves on premises. Tczap seconded. Slauter commented he is concerned about opening the door to other requests. A public question, does this apply to the bank and post office too? Kuntz suggested the motion be tabled and a committee established to review the potential impacts and decide what to do for everyone. Joyce withdrew the motion, Tczap seconded. Motion passed unanimously. The issue is tabled. Ridenhower to work on a proposal with the new Portfolio holder.

Cody Bridger request for fireworks display funding – per Slauter, TRMF has engaged a company to do their fireworks display. No action taken on the request.

Proposed garage sale of unneeded City items – Brannum moved to approve holding a garage sale of unneeded City items as proposed. Joyce seconded. Motion passed unanimously.

Request for permit for Carriage Rides – the operators intend to put up a barrier with a sign, reserved for carriage, to block 1-2 car lengths for carriage parking. Slauter commented that this is OK with the TRMF. Kuntz feels the application is in order and Lapp is OK with the application. Slauter moved to approve the application for a permit for Carriage Rides as stated. Brannum seconded. Motion passed unanimously.

Flag Day Parade update – Mary Schneider advised that the Flag Day Parade will not have horses this year due to the concern about disease. There will be Boy Scouts carrying the colors and others will be parading. Kuntz requested that a generic parade application be completed. Tczap requested that an estimate of the number of participants be provided for police use. Agreed.

Miscellaneous

Outdoor Dance-Music Permits for July 7 and July 21-22 – Kuntz and Lapp are in agreement with these requests. Tczap moved the City approve the TRMF requests for Outdoor Dance – Music Permits for July 7 and July 21-22. Joyce seconded. Motion carried unanimously.

Slauter moved financials be accepted as reported. Brannum seconded. Motion carried unanimously.

2903	SOUTHWEST WATER AUTHORITY	5692.76
2904	MID-AMERICAN RESEARCH CHEMICAL	327.50
2905	NORTH DAKOTA DEPARTMENT OF HEALTH	141.24
2906	ONE CALL CONCEPTS	37.20
2907	PACE	7461.25
2908	WASTE MANANGEMENT	199.49
5173	BELFIELD AUTO SUPPLY, INC	4.98
5174	BORDER STATES ELECTRIC SUPPLY	92.23
5175	BRAUN DISTRIBUTING	60.40
5176	FIRST	29.09
5177	HAWKINS, INC.	893.00
16539	SOUTHWEST WATER AUTHORITY	47.02
16540	ALEX AIR APPARATUS, INC.	293.00
16541	ALLEGIANE EMERGENCY SERVICES, INC.	353.24
16542	APEX Engineering Group	4256.50
16543	BELFIELD AUTO SUPPLY, INC	149.98
16544	BRAUN DISTRIBUTING	48.40
16545	CARLA STEFFEN	450.00
16546	D F LIGHTING CO	1353.40
16547	DAKOTA DUST-TEX, INC.	155.90
16548	Eric Nikiforoff	148.00
16549	FARMERS UNION	1680.00
16550	FIRST	316.52
16551	GALLS, LLC	44.93
16552	HEIMAN FIRE EQUIPMENT	101.70
16553	ITD	44.95
16554	JAMES J. WOSEPKA, PC	5040.00
16555	JobsHQ	1174.86
16556	Johnson Controls Fire Protection	1363.81
16557	Legal Edge Solutions, PLLC	4200.00
16558	MARMAN CONSTRUCTION	518.00
16559	MENARDS-DICKINSON	415.08
16560	MID-AMERICAN RESEARCH CHEMICAL	516.42
16561	MIDSTATE TELEPHONE COMPANY	665.77
16562	MityLite	16095.35
16563	NEVER ENOUGH THYME GREENHOUSE	76.91
16564	PUMP SYSTEMS LLC	3131.02
16565	RAILROAD MANAGEMENT CO III, LLC	641.97
16566	Russel Lapp	25.50

16567	STEFFAN SAW AND BIKE	43.97
16568	STEIN'S, INC	1146.44

Payroll and other Pre-Pays:

May Federal Payroll Taxes	8479.97
Payroll 5-4-18	11333.00
Payroll 5-18-18	15549.43

16537	NDPERS Retirement	3281.62
16536	NDPERS Def Comp	704.00
16535	Avesis (Vision)	55.32
16534	Ameritas (Dental)	621.44
16533	AFLAC	417.60
16538	NDPERS Health	9525.69

2900	ROUGH RIDER ELECTRIC COOP, INC	765.00
2901	SOUTHWEST WATER AUTHORITY	2012.99
5172	ROUGH RIDER ELECTRIC COOP, INC	31.00
16511	ROUGH RIDER ELECTRIC COOP, INC	2960.81
16520	AT&T Mobility	370.22
16521	AT&T Mobility	135.74
16522	POSTMASTER	154.00
16523	SOUTHWEST WATER AUTHORITY	44.02

Mayor Corneil read the announcements noting the deadline for Zoning Applications is June 8 @ 12:00 pm; the Election is June 12 @ 9 am – 7pm; the Zoning meeting is June 19 @ 6:00pm; the Council Reorganization meeting is Tuesday, June 26 @ 7:00pm; the deadline for Council Agenda items is Friday, June 29 @ 12:00 pm; the July Council meeting will be held Tuesday, July 3 @ 7:00pm. There also will be a Special Meeting of the Council on June 19 @ 1:00pm to review the Lagoon Proposal. There being no other business, Brannum moved the meeting be adjourned. Slauter seconded. With no objection, meeting was adjourned at 10:35pm.

Attest: _____ Todd Corneil, Mayor

Attest: _____ Gary Ridenhower, City Auditor