

City of Medora
Minutes of Regular Meeting
January 2, 2019
(Subject to Council review and approval)

Meeting was called to order at 6:00pm by Mayor Todd Corneil. Present were Council members Doug Ellison, Tracy Sexton, Kinley Slauter, and John Tczap. Sandra Kuntz was also present. Mike Njos was not present.

Minutes from the December 4 Council Meeting and December 28 Special Meeting were reviewed. Sexton moved to approve the minutes, seconded by Slauter. Motion passed unanimously.

Department Reports

City Engineer Mike Njos provided a written report. Ellison asked if the January 17 bid opening will be done in a meeting, Kuntz commented that the bid opening should not be in a meeting but there should be a follow up meeting. Ridenhower to coordinate scheduling with Njos. Shared Use Path lighting was discussed, another set of mock ups of lighting proposed is needed to determine if acceptable, Njos to coordinate set up. The Shared Use Path final cost summary was reviewed, the project was completed under the bid amount, engineering fees will be at or below the estimate. The City portion of the final cost will be paid once the DOT has processed the documents. Ellison moved to approve the Shared Use Path cost summaries, Slauter seconded. Motion passed unanimously.

City Attorney Report – Kuntz provided an update on the question of personal liability of Council and Zoning members, anyone having further questions should contact her. Kuntz recommends a Committee meeting on the Manual to resolve any remaining issues.

A written Police report was reviewed. Chief Lapp commented that we had an excellent year and we are looking forward to a great 2019.

Dell Beach and Brett Osterman presented written monthly reports.

City Auditor, Gary Ridenhower, presented his monthly report. 2018 and 2019 Budget Reports on Revenue and Expenditures were presented. The 2018 Occupancy Tax revenues of \$119,868.30 exceeded the budgeted amount so a Budget Amendment is needed so the Occupancy Tax collected can be distributed to the MCVB. Sexton moved to amend 222-41530-657 from \$111,000 to \$117,000 as 2018 Occupancy Tax Revenues exceeded the budgeted amount, Slauter seconded. Motion passed unanimously. The pledge report from First State Bank was presented. The pledge report from Bank of the West will be provided when received. Both banks continue to meet the pledge of security requirements. Slauter moved to designate First State Bank and Bank of the West as the City's depositories of public funds (per NDCC 21-04-13), Ellison seconded. Discussion was we should look at options for a Bank other than Bank of the West before next year. Motion passed unanimously. Wosepka Accounting will perform an external audit later this year. The 2019 Council and Zoning Meeting and Cut Off Schedules have been published based on previous agreement.

2019 COUNCIL MEETING SCHEDULE

JANUARY 2*	6:00PM	MAY 7	6:00PM	SEPTEMBER 3	7:00PM
FEBRUARY 5	6:00PM	JUNE 4	7:00PM	OCTOBER 1	6:00PM
MARCH 5	6:00PM	JULY 9*	7:00PM	NOVEMBER 5	6:00PM
APRIL 2	6:00PM	AUGUST 6	7:00PM	DECEMBER 3	6:00PM

*MOVED FROM 1ST TUESDAY

Old Business

Lagoon Project update – Easements have been obtained. Nothing new to report.

Curb, gutter and tree removal issues at 420 Broadway- the tree in the sidewalk was damaging the brick sidewalk, curb and gutter. The property owner had the tree removed to prevent further damage. Kuntz stated that the tree belonged to the owner but the City may find it in its best interest to cost share repairs to avoid further damage. Tczap commented that the owner proceeded with tree removal when there was an opportunity to stop further damage, he favors splitting the cost. Slauter stated that the City is not accepting responsibility for other trees in town. Kuntz acknowledged the uniqueness of the situation and feels that cost sharing could be appropriate. Slauter moved to reimburse Doug Ellison for 50% of the \$3000 cost for removal of the tree at 420 Broadway, Tczap seconded. Ellison abstained. Motion passed unanimously.

Rough Rider Electric – Ordinance 01-2018 Reading – Tczap moved to approve the second reading of Ordinance 01-2018 and final approval, Sexton seconded. Motion passed unanimously.

Utility Committee Update – Kinley Slauter – they are looking for comparable pricing from one or two other companies and he requested recommendations for who to contact as they want to get this completed this month. A meeting of the Utility Committee will be held when there is content to review.

TR Presidential Library update – input on the Library support letter that Ellison was asked to draft was discussed. Sexton commented that we are very interested in having the Library in Medora but we don't know what we are being asked to support. Corneil suggested that Ellison revise the letter with a combination of the inputs given. Tczap commented that he strongly supports the Library but they can't be exempt from following the normal Zoning, etc. processes. Kuntz advised that wording such as "strongly support" can be used but we also need to state that we expect they are going to work with the City including following Zoning requirements, etc. We have procedures and processes to follow and we need to be up front with expecting compliance. Tczap commented that this is a better place for the Library. Ellison will redraft the letter and advise.

Old tree project update - Core samples were completed and the tree is mostly hollow. Mary Griffin and Kinley Slauter are proceeding as directed at the last meeting. The tree should be cut off at about 4' with great care given to the process for personal safety and for preserving what we can of the tree. They should investigate using the liquid wood suggested to stabilize and preserve the remaining stump. Ellison is looking for early day photos to use in a marker, anyone having pictures please contact Doug.

New Business

Sanda Holsten sewer request – Mike Njos input by email: It is typical the homeowner is responsible for their sewer service maintenance & repair all the way to the city's main. The most likely reason the service line is clay to her property line is because during the sewer main construction, all service lines are stubbed out to each lot for future tie-ins. This is done so landowners don't have to tear up the street to connect onto the main when they develop their lot. However, just because the service line clay

stub was installed by the City during the sewer main construction, it doesn't mean that that portion of the service line is the City's – it is still the landowner's responsibility for repair & maintenance. Kuntz commented that she concurs with Njos and his input is the general rule, she advised it is risky to do otherwise. Mary Griffin asked if she can have someone dig up the street if needed to correct a problem in her sewer line? Kuntz's input was that any work in the street must be collaboratively done between the owner, contractor and City, and the street must be put back in the same condition as it was before any work started. Work such as this is a Public Works issue, not Zoning. Beach commented that many cities require the contractor doing any sewer repairs that involve a main sewer line be a master installer or plumber. Kuntz advised that we do not get that detailed in our ordinances but the owner must collaborate with the City on any street work. Slauter agreed that the City must be involved in any street or City sewer line work. Beach added that any new sewer tie ins would need to be approved. Concern about contacting the City on weekends was expressed. Corneil advised that making contact on a timely basis hasn't been a problem and he doesn't expect it will be. Sexton asked if an owner wants to do work on their sewer lines that will involve the street or alley will the City allow it? Slauter commented that it will be allowed as long as it is done collaboratively with the City and done to the requirements stated. Kuntz commented that we do not have a specific ordinance for this issue but she does not feel it is necessary based on our town size and the access to Public Works personnel. Slauter moved that the City Auditor advise Sandra Holsten that City policy is the property owner is responsible up to the sewer main line, and if work needs to be done Public Works will supervise for the City, Tczap seconded. Motion passed unanimously.

MCC Exterior Proposal – Slauter presented a proposal for determining a design for the exterior work to be done on the MCC and asked for input so we can get a good understanding of the direction for the MCC building repair to be bid. Tczap asked if there has been direction given on the new look. Slauter said none has been given. Slauter suggested we look at a design that is low maintenance but keeps the character of the current exterior. Tczap's input was we don't want to change it into something it isn't and the insulation barrier should not be removed. Ian Connors suggested that we look at low maintenance and perhaps make the MCC match the old town hall. Slauter suggested that we need to go through the Zoning process and we should get any Zoning questions before we proceed with further design to avoid double work. Sexton moved we approve the bid from G T Architecture for \$8250 for design of exterior renovations of the MCC, Tczap seconded. Motion passed unanimously.

TRMF Daycare Proposal – Clarence Sitter presented the current thinking on a proposed daycare facility that would occupy the old Boys Dorm building. The plan is for a maximum capacity of 20-30 children with 5-15 being the likely number in 2019. There will be preference given to TRMF employees' children but if there is capacity above those demands they likely will offer services to the public. The daycare would be designed with two bathrooms, a kitchen and a laundry. There are very strict requirements from the State on workers, facilities, etc. which will be followed. The facility would operate all year. The plan is to work with Zoning on the work to be done with opening possible by June 1 but TRMF needs to know the City's position on the concept of a daycare and if they would be allowed to operate before the lagoon is completed as the Boys Dorm was vacated as part of the development agreement on the Elkhorn. Tczap commented that if most of the kids were local the sewer load wouldn't be increased. Ellison stated he feels it was decommissioned as a dorm for housing a number of people in the agreement and he feels this use does not conflict with that agreement. Tczap added that he has no issue with setting up a daycare as discussed. Clarence commented that TRMF appreciates the work being done on the sewer and they don't want to create more issues. Corneil asked Kuntz how moving

forward would impact the development agreement. Kuntz stated that we should have the City Engineer make a statement on the impact on the sewer system from opening a daycare as described, and if the impact is found acceptable then an addendum can be done to the development agreement to allow for the change. Sitter asked if the Council is supportive of operating a daycare in Medora. Tczap, Sexton and Slauter indicated that they feel a daycare is needed. Kuntz commented that the State will want to know that the City supports the daycare, that the site is agreeable, and that the operation fits with City direction. We will proceed with discussion with the City Engineer and advise.

Miscellaneous Business

Slauter advised that we should give a \$.50 raise to Auditor Ridenhower as is customary after 6 months of employment. Slauter moved an increase of \$.50 per hour be given to Auditor Ridenhower effective the first paycheck in January, Tczap seconded. Motion passed unanimously.

The Council recognizes and thanks Russ Lapp for 10 years of service and Dell Beach for 5 years of service.

The public asked if we are going to replace the City wreaths before next year, the answer is yes.

Slauter moved we accept the financials as presented, Tczap seconded. Motion passed unanimously.

16992	DENTAL INSURANC AMERITAS	576.40
16993	BERGER ELECTRIC, INC.	479.04
16994	DAKOTA DUST-TEX, INC.	160.20
16995	FARMERS UNION	1594.89
16996	Legal Edge Solutions, PLLC	2100.00
16997	SOUTHWEST WATER AUTHORITY	49.02
16998	MEDORA AREA CVB	116272.25

Announcements of meetings. The deadline for Zoning Applications is Friday, January 4 @ 12:00pm with the Zoning Meeting being Tuesday, January 15 @ 6:00pm. Deadline for Council Agenda Items is Friday, February 1 @ 12:00pm and the next Council Meeting will be Tuesday, February 5 @ 6:00pm.

Slauter moved the meeting be adjourned. Sexton seconded. Motion passed unanimously. Meeting adjourned at 8:02 pm.

Attest: _____ Todd Corneil, Mayor

Attest: _____ Gary Ridenhower, City Auditor

