

CITY OF TIOGA
City Commission Meeting Minutes
May 1, 2023
https://youtu.be/zU_jjLv6R_4

A meeting of the City Commission of the City of Tioga was called to order at 7:00 pm on May 1, 2023, at the Tioga City Hall, by the City Commission President Kevin Litten.

PRESENT: Kevin Litten, Tim Christianson, Shawn Travis, Jessica Sandberg-Steele, Larry Maize, Elizabeth Pendlay, Abby Salinas
ABSENT: None
GUEST: Jacob Orledge, Wayne Knutson, Heath Pendlay, Joel Shaffett, Chelsy Weisz, Bob Anderson

Christianson made a motion to approve the Commission Minutes of April 17, 2023 regular Commission Meeting with no errors and omissions, second by Travis. Roll Call: Ayes; Christianson, Travis, Sandberg, Maize

Commissioner Reports:

Christianson: Advised the Commission Board that the Water Superintendent (Jeff Moberg) is working on getting the Waste Water Treatment Plant (WWTP) fully functional, some of the parts went down this winter and it needs to be fixed.
Travis: Advised the Commission Board that he has reviewed all City of Tioga financials with City Auditor and everything is in order for the month.
Sandberg: Advised the Commission Board that the mock car crash that was scheduled was canceled due to weather but will be rescheduled soon.
Maize: None
Litten: None

Modifications/Approval of Agenda:

Sandberg made a motion to approve the agenda as written, second by Travis. Roll Call: Ayes; Christianson, Travis, Sandberg, Maize

Old Business:

1. Legal – Pendlay – Advised Commission Board that she is currently working with Josh Reiner (City Engineer) on Resolutions and has been working with the Police Department and City Hall on other City matters. Pendlay also recognized the hard work City Hall has been doing and the recognition that was given to staff and herself regarding the 2022 City Audit.
2. Moore Engineering: Reiner – Reiner gave an update to the Commission Board on South Main Street Reconstruction, met with Strata to discuss the NE Reconstruction phase 2 and will be setting up a construction meeting with key players in 2-3 weeks prior to start up, surveying started this week for the Tioga Dam Action Plan and geotechnical will start this month, the topographic survey will start this week for the Tioga Dam Recreational Trail. Christianson and Sandberg will be part of those discussions. Updated Commission Board on the 2023 Water, Sewer and Street Reconstruction and handed exhibit of Flood Plain Development Permit Application for their review and consideration.

Christianson made a motion to approve the signing of the Flood Plain Development Permit application for the 2023 Water, Sewer and Street Project, second by Travis. Roll Call: Ayes; Christianson, Travis, Sandberg, Maize

Submitted a grant application with the State Water Commission for grant funding of possible 60% assistance on the 2023 Water, Sewer and Street Reconstruction. Reiner is also currently working on KSI Water and Sewer Extension and has prepared easement locations and sent to Pendlay for creating easements on future site of lift station, resolutions for Pine Ridge are on the agenda, Tioga Soccer Field

Design and floodway Modeling is complete and has been submitted to the state for their review. Reiner will also be presenting the cost for Scada system to be integrated for each lift station so Commissioners can review.

3. Economic Development Director Report –Weisz advised the Commission Board that she has met with 11 more local businesses and is receiving good information on what each business needs. Weisz has also attended meetings and started the free monthly marketing classes that have been attended by the local business. A survey was given at the end of the first marketing class and great feedback was given, which will be implemented in future marketing classes that will help the local business improve. Weisz has also been working on updating City’s website to be more user friendly and has been attending webinars and training that will help Tioga’s economic growth overall. Commissioner Sandberg thanked Weisz for all the hard work she has been doing for Tioga.

4. 2nd Reading of Ordinance 2023-04 Correction of Chapter 21.0106 and 21.0108 - Salinas handed exhibit to Commission Board for their review and consideration of Ordinance 2023-04 Correction of Chapter 21.0106 and 21.0108 2nd Reading- AN ORDINANCE ADOPTING COMMUNITY PRESERVATION AND IMPROVEMENT REGULATIONS BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TIOGA, NORTH DAKOTA, AS FOLLOWS: Section 1. The City Commission finds and declares that the adoption of the community preservation and improvement regulations set forth in this ordinance and the administration of the provisions of such will revise a portion of Article 1 of said Chapter Twenty-One and that said Article 1 is hereby revised and restated to read as follows: 21.0106 ABATEMENT PROCEDURE; NOTIFICATION OF NUISANCE Whenever the City Auditor determines that any property with the City is being maintained contrary to one or more of the provisions of Section 21.0103 of this article, the City Auditor shall give written notice (Notice to Abate) to the owner of said property stating the section(s) being violated. The notice to abate shall set forth a reasonable time limit, in no event less than seven calendar days, for correcting the violation(s) and may also set forth suggested methods of correcting the same and shall be served upon the owner in accordance with the provisions of subsection b covering service in person or by mail. This subsection shall not apply, however, to a claimed nuisance under 21.0103 p. (relating to weeds or grass in excess of eight (8) inches high). 21.0108 ABATEMENT BY CITY If the nuisance is not abated as ordered within the abatement period, the City Auditor shall cause the same to be abated by such City employee or private contractors the City Auditor may authorize to enter upon the property for such purposes. The cost, including incidental expenses, of abating the nuisance shall be billed to the owner and shall become due and payable thirty days thereafter. The term “incidental expenses” shall include, but not be limited to, personnel costs, both direct and indirect; costs incurred in documenting the nuisance; the actual expenses and costs of the City in the preparation of notices, specifications, and contracts and in inspecting the work; and the costs of printing and mailing the notices required hereunder. This subsection shall not apply, however, to a claimed nuisance under section 21.0103 p. (relating to weeds or grass in excess of eight (8) inches high). In the event of a claimed nuisance under section 21.0103 p. (relating to weeds or grass in excess of eight (8) inches high), the city is authorized with proper notice to enter upon the premises and to take whatever steps as might reasonably be required to abate the nuisance. Actions taken by the City, if reasonable by nature and undertaken in good faith shall not constitute a trespass or conversion.

Sandberg made a motion to approve the 2nd Reading of Ordinance 2023-04 Correction of Chapter 21.0106 and 21.0108, second by Travis. Call: Ayes; Christianson, Travis, Sandberg, Maize

New Business:

5. 2022 Tioga City Audit - Salinas handed exhibit to Commission Board for their review and acceptance of the completed 2022 Tioga City Audit.
Travis made a motion to accept the 2022 Tioga City Audit as presented, second by Maize. Call: Ayes; Christianson, Travis, Sandberg, Maize

6. Contract with Sales Tax Commissioner – Salinas handed exhibit to Commission Board for their review and consideration of contract with the Sales Tax Commissioner in order for them to continue to collect sales tax on behalf of Tioga. Pendlay reviewed the contract and states its normal procedure for Cities. **Christianson made a motion to approve the signing of the contract with the Sales Tax Commissioner, second by Maize. Call: Ayes; Christianson, Travis, Sandberg, Maize**
7. Summer Landfill Hours – Salinas advised Commission Board that the Street Superintendent (Kirk Odegaard) is seeking permission to change winter landfill hours to summer landfill hours, starting May 16, 2023, open on Tuesdays 9am-6pm, Thursdays 10am-7pm and Saturdays 9am-12pm. **Sandberg made a motion to approve summer landfill hours, starting May 16, 2023, open on Tuesdays 9am-6pm, Thursdays 10am-7pm and Saturdays 9am-12pm., second by Maize. Roll Call: Ayes; Christianson, Travis, Sandberg, Maize**
8. Free Landfill for Clean-up Week May 16th, 18th and 20th for Tioga Residents – Salinas advised the Commission Board that the Street Superintendent (Kirk Odegaard) is seeking permission to have the yearly free landfill clean-up week on May 16th, 18th and 20th 2023 for Tioga residents only. **Christianson made a motion to approve the yearly free landfill for clean-up week on May 16th, 18th and 20th 2023 for Tioga residents only, second by Travis. Roll Call: Ayes; Christianson, Travis, Sandberg, Maize**
9. Reinstatement of Step Schedule – Salinas handed Exhibits to Commission Board for their review and consideration of the step schedule policy and procedures. **Travis made a motion to approve the reinstatement of the step schedule policy and procedures, second by Christianson. Roll Call: Ayes; Christianson, Sandberg, Maize**
10. Resolution 2023-05 Resolution of Necessity of Pine Ridge District 2023-01 - Salinas handed exhibit to Commission Board of 2023-05 Resolution of Necessity of Pine Ridge District 2023-01 for their review and consideration. BE IT RESOLVED, by the Governing Board of the City of Tioga, Williams County, North Dakota: that the Board of the City Commissioners has received the City Engineer’s preliminary report for the PINE RIDGE SUBDIVISION IMPROVEMENT DISTRICT NO. 2023 – 01 and determines that it is necessary to make the following improvements: 1. It is hereby found, determined and declared that it is necessary and expedient for the City to construct in and for Pine Ridge Subdivision Improvement District No. 2023 - 01, an improvement consisting of but not limited to, Water, Sewer, Asphalt Pavement, Curb & Gutter construction and the acquisition of any necessary rights-of-way in connection therewith, as well as all other items of work and materials which are necessary or reasonably incidental to the completion of said improvements in accordance with and as described in the Resolution Creating said District, adopted 05-01-2023 (date), and in accordance with the engineer’s report as to the general nature, purpose and feasibility of the proposed improvement and estimate of costs, which has been prepared by THE City Engineer and approved by the governing body, and is on file in the Office of the City Auditor and subject to inspection by anyone interested therein. 2. The cost of said improvements, or a portion thereof, shall be paid by special assessments to be levied upon properties within the improvement district in amounts proportionate to and, not exceeding the benefits to be derived by them respectively, from said improvements. The boundaries of the improvement district shall be as described in Attachment A hereto. 3. The City Auditor is hereby authorized and directed to cause this Resolution together with a map of the City of Tioga showing the proposed improvement district to be published once each week for two consecutive weeks in the official newspaper of the City and the owners of the property included within the improvement district and liable to be specially assessed for said improvement shall be afforded opportunity to file written protests against the making of the improvements with the said City Auditor at any time within thirty days after the first publication of this Resolution and this governing body shall at its next meeting, after the expiration of said period, to-wit: 4. On _____(date), at 6:30 o’clock P.M., at the Tioga City Hall Commission Chambers, City of Tioga, Williams County, North Dakota, meet for the purpose of hearing and determining the sufficiency of any protest so filed and taking any such further action with reference to said improvement as may then be deemed necessary and expedient.

Christianson made a motion to approve Resolution 2023-05 Resolution of Necessity of Pine Ridge District 2023-01, second by Maize. Call: Ayes; Christianson, Travis, Sandberg, Maize

11. Resolution 2023-06 Defining Boundaries for Pine Ridge - Salinas handed exhibit to Commission Board of Resolution 2023-06 Defining Boundaries for Pine Ridge for their review and consideration. BE IT RESOLVED, by the City commission of the City of Tioga, Williams County, North Dakota: A RESOLUTION TO CREATING AND DEFINING THE BOUNDARIES FOR PINE RIDGE SUBDIVISION IMPROVEMENT DISTRICT NO. –2023-01. There is hereby created an Improvement District in the City of Tioga, to be designated and known as PINE RIDGE SUBDIVISION IMPROVEMENT DISTRICT NO. 2023 – 01, a. created for the purpose of: Constructing sanitary sewer, water main, storm sewer and roadway improvements and, where necessary, repairing the Water, Sewer, Roads, Curb and Gutter in the PINE RIDGE Subdivision to the City of Tioga. 2. The District, as herein described, is of such size and form as to include all properties which in the judgment of this governing body, after consultation with the engineer planning the improvements, will be benefited by all or a portion of the improvements. The District shall include the lots, tracts and parcels of land situated within the Corporate Limits of the City of Tioga, Williams County, North Dakota and shown on the map attached hereto as Attachment 1 and with the legal description of the area being set forth on Attachment 2 hereto. 3. The cost of the improvements, or a portion thereof, as may be determined from time to time by this governing body in its resolutions or ordinances, shall be paid by special assessments assessed against lots, tracts, and parcels of land within the District in amounts proportionate to and not exceeding the benefits derived from the improvement. The City Auditor, City Attorney, President and other officers designated by the City are authorized to coordinate the project and provide for financing the cost thereof with engineer, bond counsel and financial advisor.

Sandberg made a motion to approve Resolution 2023-06 Defining Boundaries for Pine Ridge District 2023-01, second by Travis. Call: Ayes; Christianson, Travis, Sandberg, Maize

12. Resolution 2023-07 Preparation of Engineers Report – Salinas handed exhibit to Commission Board of Resolution 2023-07 Preparation of Engineers Report for their review and consideration. BE IT RESOLVED, by the City Commission of the City of Tioga, Williams County, North Dakota A RESOLUTION DIRECTING THE ENGINEER FOR THE CITY OF TIOGA TO PREPARE A REPORT AS TO THE GENERAL NATURE, PURPOSE AND FEASIBILITY OF THE PROPOSED IMPROVEMENTS AND AN ESTIMATE AS TO THE PROBABLE COST OF WORK FOR THE PINE RIDGE SUBDIVISION IMPROVEMENT DISTRICT NO. 2023 – 01. BE IT RESOLVED, by the City Commission of the City of Tioga, Williams County, North Dakota: RESOLUTION DIRECTING PREPARATION OF ENGINEER’S PRELIMINARY REPORT AND COST ESTIMATE. 1. That the City Engineer for the City of Tioga, North Dakota, prepare a report as the general nature, purpose, and feasibility of the proposed improvement and an estimate of the probable cost of the work for the PINE RIDGE SUBDIVISION IMPROVEMENT DISTRICT NO. 2023 –01 , created for the purpose of: a. Constructing sanitary sewer, water main, storm sewer and roadway improvements and, where necessary, repairing the Water, Sewer, Roads, Curb and Gutter in the PINE RIDGE Subdivision to the City of Tioga. 2. The engineer planning the improvement is hereby authorized and directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement to be made in and for the District, and an estimate of the probable cost of the work therein. 3. The report shall contain (i) a separate statement of the estimated cost of the work for which proposals must be advertised and (ii) a separate statement of all other items of estimated cost not included under (i) which are anticipated to be included in the cost of the improvement to be specially assessed against benefited property

Travis made a motion to approve Resolution 2023-07 Preparation of Engineers Report, second by Sandberg. Call: Ayes; Christianson, Travis, Sandberg, Maize

13. Resolution 2023-08 Approval of Engineers Report - Salinas handed exhibit to Commission Board of Resolution 2023-08 Approval of Engineers Report for their review and consideration. BE IT RESOLVED, by the City Commission of the City of Tioga, Williams County, North Dakota A RESOLUTION APPROVING THE ENGINEER REPORT AND DIRECTING THE ENGINEER FOR THE CITY OF TIOGA MOORE ENGINEERING TO PREPARE DETAILED PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE

PINERIDGE SUBDIVISION IMPROVEMENT DISTRICT NO. 2023 – 01 BE IT RESOLVED, by the City Commission of the City of Tioga, Williams County, North Dakota: RESOLUTION APPROVING ENGINEER REPORT AND DIRECTING PREPARATION OF DETAILED PLANS AND SPECIFICATIONS. 1. This governing body having received the engineer’s report as to the general nature, purpose and feasibility of the proposed improvement in and for PINE RIDGE SUBDIVISION IMPROVEMENT DISTRICT NO. 2023 – 01, this report is hereby approved and the same shall be forthwith filed in the office of the City Auditor and shall remain on file in the City Auditor’s office subject to inspection by anyone interested therein. 2. The engineer planning the improvement is hereby authorized and directed to prepare detailed plans and specifications for construction of the improvements.

Christianson made a motion to approve Resolution 2023-08 Approval of Engineer’s Report, second by Maize. Call: Ayes; Christianson, Travis, Sandberg, Maize

Consent Approval:

14. Payroll 04-22-2023 - Salinas handed exhibits to Commission Board for their review and consideration of payroll for 04-22-2023.
15. Tioga City Bills for April 2023- Salinas handed exhibits to Commission Board for their review and consideration of Tioga City Bills for April 2023. TOTAL \$284,624.04 – Advance Business Methods\$99.18; Aramark\$572.52; AVI\$482.12; Business Management Daily\$65.95; Circle\$26,747.62; Computech\$993.00; Craigs Small Engine Repair \$239.23; Darci Grosche\$126.02; Ferguson\$2,239.62; Fiesel Law\$330.42; First District Health Unit\$120.00; Info Tech\$549.50; Marlana Lesmeister\$531.25; Linde Gas\$48.75; Main Electric Construction\$3,460.21; Menards\$460.28; MDU\$12,585.44; MWE\$1,102.63; NDACO\$54.00; NDDEQ\$145.65; ND One Call\$11.70; NCC\$1,787.96; Newman Traffic Signs\$2003.24; ODP\$152.32; Papineau\$46,247.00; Pendlay Law\$2,880.00; Pinnacle\$6,306.04; Pitney Bowes\$208.99; Preble Medical\$84.00; R&T\$64,287.70; Radison\$518.40; Secretary of State\$518.40; Share Corp\$3,203.10; Sundhagen Sand & Gravel\$170.55; Tioga Hardware\$574.70; Tioga Parts\$649.59; Tioga Tire\$2,104.61; Tioga Tribune\$584.20; Titan Machinery\$4,546.45; U R Next Towing\$150.00; Verizon\$1,375.70; VISA\$8,888.31; WANDA BAGLEY\$1,150.00

Sandberg made a motion to approve the consent agenda that consists of Payroll for 04-22-2022, and the City Bills for April 2023, second by Maize. Call: Ayes; Christianson, Travis, Sandberg, Maize

With no further business, the meeting of the Tioga City Commission was adjourned by unanimous vote moved by Travis, second by Maize at 7:50p.m. call: Ayes; Christianson, Travis, Sandberg, Maize, Litten.

The next meeting of the City of Tioga Commission Meeting is scheduled for Monday May 15, 2023, at 7:00 p.m., to be held at the Tioga City Hall.

Kevin Litten, Tioga Commission President

ATTEST:

Abby Salinas, Tioga City Auditor