

**CITY OF TIOGA**  
City Commission Meeting Minutes  
June 5, 2017  
Unofficial

A meeting of the City Commission of the City of Tioga was called to order at 7:00 pm on June 5, 2017, at the Tioga City Hall, by President of the City Commission Drake McClelland.

PRESENT: Drake McClelland, Todd Thompson, John Grubb, Tim Sundhagen, Elizabeth Pendlay and Abby Salinas  
ABSENT: Heather Weflen  
GUEST: Marcus White, Dan Larson, Steve Eberle, Austin Alexander, Jeff Moberg, Ryan Mickelson, Stephanie Nygaard, Judy Odegaard, Kent Reiersen, Corey Murphy

**Sundhagen made a motion to approve the minutes of May 1, 2017, second by Grubb Roll Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**

**Commissioners Reports:**

Sundhagen: Advised Commission Board that Police Department interviews were conducted and he will be presenting a candidate for hiring soon.  
Grubb: Advised Commission Board that APEX will be completing the review of the Waste water Facility by July 10, 2017 and will present findings at that time.  
Thompson: None  
Weflen: Absent  
McClelland: North Dakota Department of Transportation awarded a grant to the City of Tioga for the Safe Sidewalk project. McClelland also advised Commission Board that Salinas will start working on budget and will send each department a worksheet to start. Budget is due to County on August 10, 2017.

**Modifications/Approval of Agenda:**

**Thompson made a motion to approve agenda with no changes, Second by Sundhagen. Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**

**Old Business:**

1. Legal – Pendlay - Advised Commission Board that Hess attorney is preparing document for agreement of annexation for both parties to sign, will present when ready. Pendlay also advised Commission Board that she is waiting on more information for the spillway plats and Pine ridge. Pendlay advised Commission Board that the ordinance for Marcy’s law is complete and is waiting on the delivery for the APEX review on the WWTF
2. Ackerman-Estvold: Steve Eberle – Advised Commission Board on the updated for Annabelle which included the culverts that are being placed by Kemper Construction, and he will coordinate meetings with Bechtold Construction. Eberle also advised Commission Board that plats are ready for EAP and ROARS has given verbal consent to easements. Eberle also informed Commission Board that the lift station bid was complete and lowest bit was \$1,664,000.00 for Swanberg Construction a difference of \$394,000. Eberle stated he will be requesting a schedule of value and set up a meeting to view cost but there was \$17,000 difference to go with a single contractor. Discussions held.

**Grubb made a motion to accept a single contractor, Second by Sundhagen. Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**

Other Items that Ackerman is currently working on; project warranty items for Welo and Lagoon, ND DOT Special Road Fund, the TAP grant awarded for sidewalk safety, Planning and Zoning maps and erosion happening next to Braun.

3. AE2S: Abby Salinas – Advised Commission Board that remaining items on Water Tower are Fence needing to be lowered, property needs to be hydro seeded, parts on generator need to be replaced and AE2s needs to be called to close out project. Should be completed by next Commission meeting.
4. Graham: Abby Salinas – Advised Commission Board that there are no new updates at this time.
5. Annabelle Loans – Salinas asked permission to submit a request for bids for lower percent interest loans to different lending establishments to receive the best possible interest rate. Bank of ND will be accepting applications for a 2% loan starting July 2, 2017 but the response for approval or denial on the loan can be 60 to 90 days, so the recommendation is for the City to go out to request for bids to see what other lenders will offer and the City is under no obligation to accept even if offer is made.

**Thompson made motion to proceed with sending out request for bids to lending establishments on Annabelle Loan that will be repaid be special assessment, second by Sundhagen. Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**

6. Resolution 2017-08 R & T Becoming a Water District – R&T Attorney Kent Reiersen advised Commission Board that the reason R & T is seeking to become a district is due to the change in legislation that has left R&T with the only option to become a district. R&T Board has given the Cities options to accept the resolution which would give the customers of that City the option to receive Rural Water, otherwise if its needed later the customer will not have that option unless the City Chooses to petition R&T Board.

Resolution: #2017-08 Agenda Item: 6 Date: June 5, 2017 BE IT RESOLVED, by the City Commission of the City of Tioga, William County, North Dakota: RESOLUTION AUTHORIZING AND CONCENTING TO INCLUSION IN BOUNDARY OF R&T WATER DISTRICT WHEREAS, R&T Water Supply is seeking to convert from a commerce authority to, and/or organize as a water district in accordance with Chapter 61-35 of North Dakota Century Code WHEREAS, the newly formed water district will have the ability to access additional means of development and funding for water systems in the City of Tioga; and WHEREAS, the City of Tioga understands that adoption of the resolution does not guarantee water service by R&T but simply permits the possibility of service by R&T in the future, if at all. RESOLVED, that the City of Tioga hereby authorized and consents to its inclusion in the boundary of R&T Water District in accordance with section 61-35-18(2), N.D.C.C. Dated and adopted this 5th day of June, 2017. Attorney Reiersen advised because it's to benefit the rural customers of the City of Tioga then changing the language in the resolution to state "whereas, the newly formed water district at the request of the City of Tioga will have the ability to provide additional means of development and funding for water systems in the City of Tioga"

**Sundhagen made a motion to approve Resolution 2017-08 R & T becoming a Water District with changes "whereas, the newly formed water district at the request of the City of Tioga will have the ability to provide additional means of development and funding for water systems in the City of Tioga", second by Grubb Roll Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**

**New Business:**

7. Ordinance 2017-04 Victim Witness 1<sup>st</sup> reading – ORDINANCE NO. 2017-04 AN ORDINANCE AUTHORIZING AND IMPOSING A VICTIM WITNESS FEE ASSESSMENT FOR FUNDING CRIME VICTIM AND WITNESS PROGRAMS PURSUANT TO NORTH DAKOTA CENTURY CODE SECTION 27-01-10 FOR THE MUNICIPAL COURT FOR THE CITY OF TIOGA, NORTH DAKOTA BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TIOGA, NORTH DAKOTA, AS FOLLOWS: Chapter 11 Article 5 The City Commission finds and declares that it is necessary and desirable for the purposes of funding crime and victim witness programs that the following regulation set forth in this ordinance provide as follows: **11.0501 Short Title:** This Ordinance shall be known as the "Victim Witness Fee Ordinance". **11.0502** A municipal judge for the City of Tioga shall assess a fee of not more than twenty-five (25) dollars as part of any sentence imposed on a defendant who pleads guilty to or is convicted of violating any municipal ordinance for the City of Tioga for which the maximum penalty which may be imposed, under such municipal ordinance, for the violation includes

imprisonment. This victim witness fee shall further extend any sentence imposed under which such sentence is suspended or the imposition of such sentence is deferred, unless the Court makes a specific finding that the defendant is indigent and unable to pay the fee. The victim witness fee, however, shall not be deemed a mandatory imposition for criminal proceedings disposed of by pretrial diversion agreements, which are more particularly described in Rule 32.2 of the North Dakota Rules of Criminal Procedure. The victim witness fee assessed under this ordinance is to be assessed in addition to any fine, penalty, cost, restitution or other administrative fee presently prescribed by any law or ordinance. **11.0503** All fees paid to the municipal court for the City of Tioga under this ordinance must be deposited monthly in the city treasury for allocation by the City Commission of the City of Tioga to one or more of the following programs as determined by the City Commission: A private, nonprofit domestic violence or sexual assault program. A victim and witness advocacy program of which the primary function is to provide direct services to victims or and witnesses to crime. Any other program, service, or agency which may subsequently become authorized under law in accordance with N.D.C.C. Section 27-01-10. Except as expressly stated herein, no other Ordinance(s) of the City of Tioga shall be deemed to have been amended, modified, or rendered invalid by this Ordinance. This Ordinance shall be in full force and effect from and after its final passage and approval and publication of its heading and penalty in the official City newspaper. Dated this 5 day of June, 2017.

**Sundhagen made a motion to approve Ordinance 2017-04 Victim Witness, second by Grubb Roll Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**

8. Planning and Zoning – Dan Larson advised Commission Board that he is seeking their opinion on establishing an ordinance for a temporary use permit, which would allow construction companies to have office space (trailer or modular) while on site of construction but would have to be removed when construction is completed. Larson also stated that other communities have similar ordinances and it helps with the cleanup of construction sites when construction is complete. Discussion held on the differences of temporary and conditional use permits.

**Sundhagen made motion to have attorney Pendlay create an ordinance for a temporary use permit, second by Thompson. Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**

Larson also advised Commission Board that Ryan Mickelson is selling his property in a private sale but his fence and storage shed sit on a City Easement. The fence has been there for over 40 years so he is seeking a letter from the City referencing that the property is grandfathering in so he can sell property. Attorney Pendlay advised Mickelson that she will need to see the asbuilts to see the encroachment and will also need the title commitment or title opinion to give proper advise to Commission Board for resolution on this matter.

9. Fire Monitoring System – Salinas handed exhibit of bids for City Hall fire alarm monitor system and yearly inspection, lowest bid came from Mayer electric for \$30 per month.

**Sundhagen made motion to approve Mayer Electric for monitoring fire alarm system and annual inspection, second by Grubb. Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**

10. Special Liquor License Permits Applications – Salinas handed Commission Board Special Liquor License Permit Application from Model Tavern for Class reunion on June 22 and 23, 2017

**Thompson made a motion to approve special liquor license permit application from Model Tavern for class reunion on June 22 and 23, 2017, second by Sundhagen. Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**

Salinas handed Commission Board Special Liquor License Permit Application from Model Tavern for street dance on July 2, 2017

**Thompson made a motion to approve special liquor license permit application from Model Tavern for Street Dance on July 2, 2017, second by Sundhagen. Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**

11. Local Charity Permit Raffle Application – Salinas handed Commission Board Local Charity Permit application from Hess for Relay for Life

**Sundhagen made motion to approve local charity permit application from Hess for Relay for Life, second by Thompson. Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**

12. Freedom Fest – President of Committee Ryan Mickelson advised Commission Board of fishing derby, handed exhibit of 5k run on July 1, 2017 and the start of parade route. Requested Port-a-johns to be ordered.  
**Thompson made a motion to approve City to order Port-a-Johns for Freedom Fest, second by Grubb. Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**  
Mickelson also informed Commission Board that the tent will go up on Friday June 30<sup>th</sup> and will need the streets blocked off by City
13. Gaming Site Authorization Applications – Salinas handed Commission Board exhibit of gaming site authorization application from the American Legion Post 139 for pull tabs at the Jungle  
**Sundhagen made a motion to approve Gaming Site Authorization application from the American Leagion Post 139 for pull tabs at the Jungle, second by Thompson Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**  
Salinas handed Commission Board exhibit of gaming site authorization application from the American Legion Post 139 for pull tabs and Bingo at the Model Tavern  
**Grubb made a motion to approve Gaming Site Authorization application from the American Leagion Post 139 for pull tabs and Bingo at the Model Tavern, second by Thompson Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**
14. Pledge Holdings – Salinas handed exhibit of Pledge Holdings as of May 24, 2017 from Bank of North Dakota  
**Thompson made motion to approve Pledge Holdings as of May 24, 2017 from Bank of North Dakota, second by Sundhagen. Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**
15. Employee Review and Raise – Salinas handed exhibit of review to make Police Officer Alex Grubb a permanent employee and consider a 3% pay raise effective March 1, 2017.  
**Thompson made a motion to approve Alex Grubb as a permanent employee and give a 3% pay raise effective March 1, 2017, second Sundhagen. Call: Ayes; Thompson, Sundhagen, McClelland Abstained; Grubb**
16. Payroll - Salinas handed exhibit to Commission Board of City of Tioga Payroll for May 20, 2017  
**Thompson made a motion to approve Payroll for May 20, 2017, second by Grubb. Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**  
Salinas handed exhibit to Commission Board of City of Tioga Payroll for June 5, 2017  
**Thompson made a motion to approve Payroll for June 5, 2017, second by Grubb. Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**
17. Bills for May 2017 – Salinas handed exhibit to Commission Board of May 2017 2<sup>nd</sup> half of Bills and advised Commission Board that those bills were part of the bills that were presented at last Commission Meeting  
**Thompson made motion to approve this portion of bills for May 2017, second by Sundhagen. Call: Ayes; Thompson, Grubb, Sundhagen, McClelland**

**With no further business the meeting of the Tioga City Commission was adjourned by unanimous vote moved by Weflen second by Grubb at 9:17 p.m. call: Ayes; Thompson, Grubb, Sundhagen, McClelland**

The next meeting of the City of Tioga is scheduled for Monday June 19, 2017 at 7:00 p.m., to be held at the Tioga City Hall.

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Drake McClelland, President of the City Commission

ATTEST:

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Abby Salinas, City Auditor