

CITY OF TIOGA
City Commission Meeting Minutes
June 19, 2017

A meeting of the City Commission of the City of Tioga was called to order at 7:00 pm on June 19, 2017, at the Tioga City Hall, by President of the City Commission Drake McClelland.

PRESENT: Drake McClelland, John Grubb, Heather Weflen, Tim Sundhagen, Elizabeth Pendlay and Abby Salinas
ABSENT: Todd Thompson
GUEST: Dan Larson, Brian Matusiewicz, Deanna Peterson, Shelton Taylor, Marcus White, Steve Eberle, Austin Alexander, Chris Hageman, Stephanie Nygaard, Kim Schilke, Grant Schilke, Jon Moberg, Roger Enders, Benjie Foss, Jaret Wirtz, Rich Leisner

Sundhagen made a motion to approve the minutes of June 5, 2017, second by Grubb. Roll Call: Ayes; Grubb, Sundhagen, Weflen, McClelland

Commissioners Reports:

Thompson: Absent

Grubb: None

Weflen: None

Sundhagen: Advised Commission Board that the interviews were completed for police officers and would like to hire 2 Police Officers from the pool of interviews completed to fill vacant positions. Discussions held.

Grubb made a motion to hire 2 Police Officers to fill vacant positions, Second by Sundhagen. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland

Sundhagen also advised the City has a gopher problem and the park is riddled with damages and now the surrounding homes are being affected. Discussions held. City Attorney Pendlay stated the proper way to handle this is to call Game and Fish for protocol and a proper solution.

McClelland: None

Modifications/Approval of Agenda:

Sundhagen made a motion to approve agenda with changes to add readings of resolutions 2017-09 Bonding for Annabelle and 2017-10 Fund Warrant to the end of old business as agenda item #6, Second by Weflen. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland

Old Business:

1. Legal – Pendlay advised Commission Board that she spoke with Title Co. in regards to Mickelson Property lines and recommends to either create a variance or issue notice to remove the structure from City easements

Sundhagen made a motion to entertain application for a variance for the life of fence or shed, Second by Weflen. Call: Grubb, Sundhagen, Weflen, McClelland

Pendlay advised Commission Board that she is waiting on written agreement from Hess attorneys in regards to annexation. Pendlay also advised that she is working on resolution for spill way, Pine Ridge and Nuisance Notice.

2. Ackerman-Estvold: Steve Eberle – Advised Commission Board of the progress being done in Annabelle
Sundhagen made a motion to approve City Wide Emergency Action Plan, Second by Weflen. Call: Grubb, Sundhagen, Weflen, McClelland

Eberle advised Commission Board that there was a bid overview of the lift station and adjustments were made to cost in the amount of \$343,182.00 to lower project value and stay within budget

Grubb made a motion to approve cost deductions in the amount of \$343,182.00 and approve the motion to proceed with lift station project, Second by Sundhagen. Call: Grubb, Sundhagen, Weflen, McClelland

Grubb made a motion to award project and sign the notice to proceed with the lift station project, Second by Sundhagen. Call: Grubb, Sundhagen, Weflen, McClelland

Eberle also informed Commission Board that he is working on 2016 Project warranty items, has completed and submitted ND DOT special Road Fund Program application, Tioga Dam EAP and overviewed Planning and Zoning issues with Larson

3. AE2S: Abby Salinas – Advised Commission Board that AE2S has submitted exhibit of final completion paperwork and items for review. Generator parts for the Water Tower will be in by the end of week and they will call the Water Superintendent Jeff Moberg to schedule time to fix. AE2S is working on overspray complaints, Salinas handed exhibit of email for review and also handed exhibit of pay application 17 and 18 for review and consideration. Discussions held.

Grubb made a motion to table final completion and pay applications until punch list items are completed, Second by Sundhagen. Call: Grubb, Sundhagen, Weflen, McClelland

4. Graham: Matt Ruhland – Not attended.

5. Ordinance 2017-04 Victim Witness 2nd 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 2nd reading, second by Grubb Roll Call: Ayes; Grubb, Weflen, Sundhagen, McClelland

6. Resolution 2017-09 – Creating a Fund for Payment of Annabelle - **BE IT RESOLVED**, by the City Commission of the City of Tioga, William County, North Dakota: **RESOLUTION AUTHORIZING THE**

ISSUANCE OF \$1,300,000 REFUNDING IMPROVEMENT BONDS, SERIES 2017A, PRESCRIBING THE TERMS AND COVENANTS THEREOF, AND CREATING A FUND FOR THE PAYMENT THEREOF

Weflen made a motion to approve Resolution 2017-09 Creating a Fund for Payment of Annabelle, second by Sundhagen Roll Call: Ayes; Grubb, Weflen, Sundhagen, McClelland

Resolution 2017-10 Issuance of Improvement Warrant - **BE IT RESOLVED**, by the City Commission of the City of Tioga, William County, North Dakota: **RESOLUTION CREATING THE FUND OF AN IMPROVEMENT DISTRICT, PROVIDING FOR AND APPROPRIATING SPECIAL ASSESSMENTS FOR THE SUPPORT AND MAINTENANCE OF SAID FUND, AND AUTHORIZING THE ISSUANCE OF IMPROVEMENT WARRANT THEREON**

Weflen made a motion to approve Resolution 2017-10 Issuance of Improvement Warrant, second by Sundhagen Roll Call: Ayes; Grubb, Weflen, Sundhagen, McClelland

New Business:

7. WAWSA – Presentation given
8. Planning and Zoning Applications – Planning & Zoning Committee advised Commission Board to approve Final Plat from Debbie Trones
Sundhagen made motion to approve the Final Plat for Debbie Trones, second by Weflen. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland
Planning & Zoning Committee advised Commission Board to approve Final Plat from Vernon Nelson
Sundhagen made motion to approve the Final Plat for Vernon Nelson, second by Weflen. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland
Planning & Zoning Committee advised Commission Board to approve Building Application from Wendy Lenzen for moving a modular residential home and set on piers
Sundhagen made motion to approve the Building Application form Wendy Lenzen, second by Weflen. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland
Planning & Zoning Committee advised Commission Board to approve Building Application from Jon Moberg for building a residential home
Sundhagen made motion to approve the Building Application from Jon Moberg, second by Grubb. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland
Planning & Zoning Committee advised Commission Board to approve Building Application for Hess for and Inlet Compressor Station
Sundhagen made motion to approve the Building Application from Hess for an Inlet Compressor Station, second by Weflen. Call: Ayes; Grubb, Sundhagen, Weflen Abstained; McClelland
Planning & Zoning Committee advised Commission Board to approve 1 year Conditional Use Permit for Hess construction trailers
Sundhagen made motion to approve the 1 year Conditional Use Permit for the construction trailers, second by Grubb. Call: Ayes; Grubb, Sundhagen, Weflen Abstained; McClelland
9. Grant Reimbursement Request – Salinas handed exhibit of grant reimbursement request from Tioga Fire Department to submit to Energy Infrastructure and Impact office in the amount of \$8,550
Sundhagen made motion to approve the submission of Grant reimbursement request from the Tioga Fire Department to Energy Infrastructure and impact office in the amount of \$8,550 for equipment, second by Grubb. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland
10. Liquor License Renewals – Salinas handed exhibit of Renewal Liquor License Application for the Jungle on/off sales.
Sundhagen made motion to approve the Liquor License Application for the Jungle on/off sales, second by Grubb. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland
Salinas handed exhibit of Renewal Liquor License Application for the Model Tavern on/off sales.
Sundhagen made motion to approve the Liquor License Application for the Model Tavern on/off sales, second by Grubb. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland
Salinas handed exhibit of Renewal Liquor License Application for the Skol Bar on/off sales.

Sundhagen made motion to approve the Liquor License Application for the Skol Bar on/off sales, second by Grubb. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland

Salinas handed exhibit of Renewal Liquor License Application for DJ's Lounge on/off sales.

Grubb made motion to approve the Liquor License Application for DJ's Lounge on/off sales, second by Sundhagen. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland

Salinas handed exhibit of Renewal Liquor License Application for Farmers Union off sales only.

Grubb made motion to approve the Liquor License Application for Farmers Union off sales only, second by Sundhagen. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland

Salinas handed exhibit of Renewal Liquor License Application for Kum n Go off sales only.

Sundhagen made motion to approve the Liquor License Application for Kum n Go off sales only, second by Grubb. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland

11. Tioga Fund Applications – Salinas handed exhibit of Tioga Fund Application from the Economic Development Director in the amount of \$3,000,000 for the Tioga Community Center. Tioga Fund Board reviewed and recommends approval of Sales Tax use from Economic Development and Community Improvement to repay loan that City will take in its name for the Community Center.

Weflen made motion to approve the Tioga Fund Application of Sales Tax use from the Economic Development and Community Development in the amount of \$3,000,000 for the Tioga Community Center, second by Grubb. Call: Ayes; Grubb, Sundhagen, McClelland Abstained; Weflen

Salinas handed exhibit of Tioga Fund Application from the Tioga Senior Center in the amount of \$20,000 for a vehicle. Tioga Fund Board reviewed and recommends approval.

Weflen made motion to approve the Tioga Fund Application in the amount of \$20,000 for Senior Center to purchase vehicle, second by Sundhagen. Call: Ayes; Grubb, Sundhagen, McClelland Abstained; Weflen

Salinas handed exhibit of Tioga Fund Application from the Tioga Recreational Council in the amount of \$1,335.60 for basket balls and training cones. Tioga Fund Board reviewed and recommends approval.

Sundhagen made motion to approve the Tioga Fund Application in the amount of \$1,335.60 for Tioga Recreational Council to purchase basketballs and training cones, second by Grubb. Call: Ayes; Grubb, Sundhagen, McClelland Abstained; Weflen

Salinas handed exhibit of Tioga Fund Application from the Tioga Recreational Council in the amount of \$5,407 for uniforms and field equipment. Tioga Fund Board reviewed and recommends approval.

Grubb made motion to approve the Tioga Fund Application in the amount of \$5,407 for Tioga Recreational Council to purchase uniforms and field equipment, second by Sundhagen. Call: Ayes; Grubb, Sundhagen, McClelland Abstained; Weflen

Salinas handed exhibit of Tioga Fund Application from the Tioga Recreational Council in the amount of \$22,000 for updating the North Softball/baseball field. Tioga Fund Board reviewed and recommends approval.

Sundhagen made motion to approve the Tioga Fund Application in the amount of \$22,000 for Tioga Park Board to update the North softball/baseball field, second by Grubb. Call: Ayes; Grubb, Sundhagen, McClelland Abstained; Weflen

Salinas handed exhibit of Tioga Fund Application from the Tioga Park Board in the amount of \$22,000 for Parks Cleanup. Tioga Fund Board reviewed and recommends approval.

Sundhagen made motion to approve the Tioga Fund Application in the amount of \$22,000 for Tioga Park Board to do Parks Clean up, second by Grubb. Call: Ayes; Grubb, Sundhagen, McClelland Abstained; Weflen

Salinas handed exhibit of Tioga Fund Application from the Tioga Park Board in the amount of \$22,000 to update the South Softball/baseball field. Tioga Fund Board reviewed and recommends approval.

Grubb made motion to approve the Tioga Fund Application in the amount of \$22,000 for Tioga Park Board to update the South Softball/baseball field, second by Sundhagen. Call: Ayes; Grubb, Sundhagen, McClelland Abstained; Weflen

12. Visitor Promotion Applications - Salinas handed exhibit of Visitor Promotion Application from the Economic Development Director in the amount of \$7,500 for the Tioga Drone Camp. Visitor Promotion Board reviewed and recommends approval.
Grubb made motion to approve the Visitor Promotion Application in the amount of \$7,500 for the Tioga Drone Camp, second by Sundhagen. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland
Salinas handed exhibit of Visitor Promotion Application from the City of Tioga in the amount of \$2,500 for the Tioga Billboard on Highway 2 and 105. Visitor Promotion Board reviewed and recommends approval.
Sundhagen made motion to approve the Visitor Promotion Application in the amount of \$7,500 for the Tioga Drone Camp, second by Grubb. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland
Salinas handed exhibit of Visitor Promotion Application from the Farm Festival Committee in the amount of \$5,000 for the Farm Festival. Visitor Promotion Board reviewed and recommends approval.
Sundhagen made motion to approve the Visitor Promotion Application in the amount of \$5,000 for the Farm Festival, second by Grubb. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland
13. Bills – Salinas handed exhibit to Commission Board of June 2017 Bills and advised Commission Board there are still some outstanding bills that will arrive this month
Sundhagen made motion to approve bills for June 2017, second by Grubb. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland
14. Payroll - Salinas handed exhibit to Commission Board of City of Tioga Payroll for June 20, 2017
Grubb made a motion to approve Payroll for June 20, 2017, second by Sundhagen. Call: Ayes; Thompson, Sundhagen, Weflen, McClelland
15. Financials - Salinas handed exhibit to Commission Board of City of Tioga Financials for May 2017,
Weflen made a motion to approve Balance Sheet for May 2017, second by Grubb. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland
Weflen made a motion to approve Fund Summery for May 2017, second by Sundhagen. Call: Ayes; Grubb, Sundhagen, Weflen, McClelland

With no further business the meeting of the Tioga City Commission was adjourned by unanimous vote moved by Grubb second by Weflen at 9:48 p.m. call: Ayes; Grubb, Sundhagen, Weflen, McClelland

The next meeting of the City of Tioga is scheduled for Wednesday July 5, 2017 at 7:00 p.m., to be held at the Tioga City Hall.

Drake McClelland, President of the City Commission

ATTEST:

Abby Salinas, City Auditor