

CITY OF TIOGA
City Commission Meeting Minutes
October 16, 2017

A meeting of the City Commission of the City of Tioga was called to order at 7:00 pm on October 16, 2017, at the Tioga City Hall, by President of the City Commission Drake McClelland.

PRESENT: John Grubb, Tim Sundhagen, Todd Thompson, Drake McClelland, Heather Weflen, and Abby Salinas
ABSENT: Elizabeth Pendlay
GUEST: Dan Larson, Marcus White, Steve Eberle, Austin Alexander, Dennis Lindahl, Mike Koehlinger, Corey Murphy, Sally Thele, Jayme Jorstad, Lindsey Nygaard, Sara Seelye, Jessica Ornelas, Judy Odegaard, Stephanie Nygaard, Pete Peterson, Melissa Peterson, Tina Hanson, Raphael Salinas, Nathan Germundson

Sundhagen made a motion to approve the minutes for the Public Hearing on October 2, 2017, second by Grubb. Roll Call: Ayes; Thompson, Grubb, Sundhagen, Weflen, McClelland

Grubb made a motion to approve the minutes of October 2, 2017, second by Sundhagen. Roll Call: Ayes; Thompson, Grubb, Sundhagen, Weflen, McClelland

Sundhagen made a motion to approve the minutes for the Special Assessment Hearing on October 5, 2017, second by Grubb. Roll Call: Ayes; Thompson, Grubb, Sundhagen, Weflen, McClelland

Commissioners Reports:

Thompson: None

Grubb: None

Sundhagen: Advised Commission Board that Wildlife has completed spraying at the park and they filled 550 gopher holes with poisonous gas, cost was higher than expected but will still be under the \$2,000 dollars allowable cost. Sundhagen also advised Commission Board that the County 1% Commission Board has awarded City of Tioga \$150,000 to proceed with acquiring services of an Engineer/Architect Firm to design a new Police Station.

Sundhagen made a motion to approve going out for Bid for a new Engineer/Architect Firm for the Design of the new Police Station, second by Grubb. Roll Call: Ayes; Thompson, Grubb, Sundhagen, Weflen, McClelland

Weflen: Advised Commission Board that MDU will soon proceed with light poles and the Street Department is waiting on One Call to proceed with the 4-way stop signs. Next meeting Weflen will advise Commission Board and constituents of new winter hours at the City landfill.

McClelland: None

Modifications/Approval of Agenda:

Grubb made a motion to remove agenda item #9 under new agenda, add Renaissance application to the end of new business and approve agenda with changes made, Second by Sundhagen. Call: Ayes; Thompson, Grubb, Sundhagen, Weflen, McClelland

Old Business:

1. Legal – Stephanie Nygaard – Handed exhibit of original Hess document for annexation agreement letter for signature. Nygaard also informed Commission Board that R&T has started discussions on payments for water accounts that the City of Tioga will take over due to annexation.
2. Ackerman-Estvold: Steve Eberle – Advised Commission Board that Annabelle is complete, handed exhibit of final punch list for review and pay application #4 from Bechtold Construction in the amount of \$555,430.13 for Annabelle

Weflen made a motion to approve pay application #4 from Bechtold Construction in the amount of \$555,430.13 for Annabelle, second by Sundhagen. Call: Ayes; Thompson, Grubb, Sundhagen, Weflen, McClelland

Eberle also informed Commission Board of Progress at the Master Lift Station and handed exhibit of pay request application #2 from Swanberg Construction the amount of \$140,454.00

Grubb made a motion to approve pay application #2 from Swanberg Construction in the amount of \$140,454.00 for Master Lift Station, second by Sundhagen. Call: Ayes; Thompson, Grubb, Sundhagen, Weflen, McClelland

Other Items Ackerman-Estvold is currently working on are; Simmons Addition, 67th Street, ND DOT, TAP program, Tioga Dam EAP, Police Department Facility, Fire Hydrant replacement and Planning and Zoning.

New Business:

3. Planning & Zoning – Salinas handed Application for a new Planning and Zoning Board Member Michael Koehlinger. Weflen asked what got him interested in the Planning and Zoning position, Koehlinger stated that he moved to Tioga around 6 years ago and would like to get involved with the community.

Sundhagen made motion to approve Michael Koehlinger as the new Planning and Zoning Board Member, second by Thompson. Call: Ayes; Thompson, Grubb, Weflen, Sundhagen, McClelland

4. 4-H Club – Salinas handed exhibit of e-mails to Commission Board. Pete Peterson member of the 4-H advised Commission Board that agriculture and farming has been a very important part of Tioga and will continue to be in the future and asked to be taken into consideration with the new Community Center that is being built. Commissioner Sundhagen stated that there is no intension to leave such an important group like 4-H out. Salinas stated that building plans and finances are not yet completed only concept drawings. Discussions were held, Commissioners Weflen stated that better open communication lines are necessary and will make this project successful.

5. Animal and Fowl Ordinance – Chief Murphy- Advised Commission Board that the City of Tioga Ordinance for Pit Bulls does not define what an emotional support dog is vs a support dog and that should be clarified because one is allowable by law and the other is not. Discussions held.

Thompson made motion to table this until 11-06-17 so that City Attorney can review, second by Weflen. Call: Ayes; Thompson, Grubb, Weflen, Sundhagen, McClelland

Chief Murphy also stated that he would like to implement the adoption of a pet program after they have been held and unclaimed, handed exhibit of adoption form. Discussions held.

Sundhagen made motion to approve the adoption of a pet program and form, second by Grubb. Call: Ayes; Thompson, Grubb, Weflen, Sundhagen, McClelland

6. Ordinance 2017-06 Annexation of Section 26 1st Reading- AN ORDINANCE RELATING TO THE ANNEXATION OF REAL PROPERTY PRESENTLY LOCATED OUTSIDE THE CORPORATE BOUNDARIES OF THE CITY OF TIOGA **BE IT ORDAINED BY THE BOARD OF THE CITY COMMISSIONERS OF THE CITY OF TIOGA, NORTH DAKOTA:** The City Commission of the City of Tioga, North Dakota, pursuant to Chapter 40-51.2 of the North Dakota Century Code, states that: 1. All of the owners of the following-described real property have signed a written petition for annexation into the corporate boundaries of the City of Tioga, North Dakota or, have withdrawn, in writing, any protest previously lodged with respect to the same; and 2. All of the below-described real property is lands that are contiguous or adjacent real property which is within the corporate limits of the City of Tioga; 3. The real property is fully described as follows, to-wit: **TOWNSHIP 157 NORTH, RANGE 95 WEST: Section 26:**A Parcel of Land being The Northwest Quarter of Section 26, Township 157 North, Range 95 West of the Fifth Principal Meridian, Williams County, North Dakota; Excepting therefrom any portions west of the North Dakota State Highway 40 Right-of Way Together with: A Parcel of Land being the North Half of the Southwest Quarter of said Section 26. This ordinance shall take effect and be in force from and after final passage, and due publication according to law.

Thompson made motion to approve 1st reading of Ordinance 2017-06 Annexation of Section 26, second by Grubb. Call: Ayes; Thompson, Grubb, Weflen, Sundhagen, McClelland

7. Ordinance 2017-07 Annexation of Section 28 1st Reading – AN ORDINANCE RELATING TO THE ANNEXATION OF REAL PROPERTY PRESENTLY LOCATED OUTSIDE THE CORPORATE BOUNDARIES OF THE CITY OF TIOGA **BE IT ORDAINED BY THE BOARD OF THE CITY COMMISSIONERS OF THE CITY OF TIOGA, NORTH DAKOTA:** The City Commission of the City of Tioga, North Dakota, pursuant to Chapter 40-51.2 of the North Dakota Century Code, states that: 1. All of the owners of the following-described real property have signed a written petition for annexation into the corporate boundaries of the City of Tioga, North Dakota or, have withdrawn, in writing, any protest previously lodged with respect to the same; and 2. All of the below-described real property is lands that are contiguous or adjacent real property which is within the corporate limits of the City of Tioga; 3. The real property is fully described as follows, to-wit: TOWNSHIP 157 NORTH, RANGE 95 WEST: Section 28: A Parcel of Land being all of Section 28 lying Southerly of the railroad Right of Way: Together with: A Parcel of Land being the Northwest Quarter of Section 28 lying Northerly of the Railroad Right of Way This ordinance shall take effect and be in force from and after final passage, and due publication according to law.

Thompson made motion to approve 1st reading of Ordinance 2017-07 Annexation of Section 28, second by Grubb. Call: Ayes; Thompson, Grubb, Weflen, Sundhagen, McClelland

8. Ordinance 2017-08 Nuisance 1st Reading – Larson advised Commission Board that he would like to add Fire Regulations and obnoxious fumes from regulated fires to the nuisance ordinance, discussions held. **Sundhagen made motion to table 1st reading of Ordinance 2017-08 Nuisance until the next Commission Meeting on 11-06-17 so that fire regulations can be addressed, second by Weflen. Call: Ayes; Thompson, Grubb, Weflen, Sundhagen, McClelland**

9. Ordinance 2017-10 Property Maintenance Code 1st Reading – AN ORDINANCE ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE **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 International Property Maintenance Code (“IPMC”) as set forth in this ordinance is necessary and desirable to preserve and improve the health, safety and welfare of the community: CHAPTER 23 ARTICLE 1 23.0101 ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE (“IPMC”) The construction, enlargement, alteration, repair, relocation, removal, demolition, conversion, occupancy, uses, equipment, area and maintenance of buildings or structures in the City of Tioga shall meet with the provisions of the rules and regulations of the International Property Maintenance Code, copies of which code are on file with the City Auditor and are hereby made a part of this Chapter by reference with the exception of the sections here and after set forth affecting local conditions in the City, which are amended, deleted or added to, for use and application within the City, and the hereby adopts said code as so modified. 23.0102 PENALTY The violation of any of the provisions of this chapter shall be punishable as provided in chapter two (2) of these revised ordinances.

Grubb made motion to approve 1st reading of Ordinance 2017-010 International Property Maintenance Code, second by Weflen. Call: Ayes; Thompson, Grubb, Weflen, Sundhagen, McClelland

10. Ordinance 2017-11 International Fire Code Adoption 1st Reading - AN ORDINANCE ADOPTING THE INTERNATIONAL FIRE CODE **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 International Fire Code (“IFC”) as set forth in this ordinance is necessary and desirable to preserve and improve the health, safety and welfare of the community: CHAPTER 24 ARTICLE 1 24.0101 ADOPTION OF INTERNATIONAL FIRE CODE (“IFC”) The construction, enlargement, alteration, repair, relocation, removal, demolition, conversion, occupancy, uses, equipment, area and maintenance of buildings or structures in the City of Tioga shall meet with the provisions of the rules and regulations of the International Fire Code, copies of which code are on file with the City Auditor and are hereby made a part of this Chapter by reference with the exception of the sections here and after set forth affecting local conditions in the City, which are amended, deleted or added to, for use and application within the City, and the hereby adopts said code as so modified. 24.0102 PENALTY The violation of any of the provisions of this chapter shall be punishable as provided in chapter two (2) of these revised ordinances

Sundhagen made motion to approve 1st reading of Ordinance 2017-11 International Fire Code, second by Thompson. Call: Ayes; Thompson, Grubb, Weflen, Sundhagen, McClelland

11. Local Charity Permit – Salinas handed exhibit of Local Charity Permit Application from White Earth Saddle Club for Bingo

Sundhagen made a motion to approve the Local Charity Permit Application for White Earth Saddle Club, second by Grubb. Call: Ayes; Thompson, Grubb, Sundhagen, McClelland Abstained; Weflen

Salinas handed exhibit of Local Charity Permit Application from First Trinity Lutheran Church for Raffle

Sundhagen made a motion to approve the Local Charity Permit Application for First Trinity Lutheran Church, second by Weflen. Call: Ayes; Thompson, Grubb, Sundhagen, Weflen, McClelland

12. Pledge Holdings – Salinas handed exhibit to Commission Board of the Bank of North Dakota Pledge Holdings as of 09-26-17

Thompson made a motion to approve the pledge holdings as of 09-26-17 from Bank of North Dakota, second by Sundhagen. Call: Ayes; Thompson, Grubb, Sundhagen, Weflen, McClelland

13. Bills – Salinas handed exhibit to Commission Board of the first half of October 2017 Bills.

Sundhagen made a motion to approve the bills for October 2017, second by Thompson. Call: Ayes; Thompson, Grubb, Sundhagen, Weflen, McClelland

14. Payroll - Salinas handed exhibit to Commission Board of City of Tioga Payroll for October 5, 2017

Thompson made a motion to approve Payroll for October 5, 2017, second by Sundhagen. Call: Ayes; Thompson, Grubb, Sundhagen, Weflen, McClelland

15. Renaissance Application – Salinas handed exhibit to Commission Board of Renaissance Application for the Tioga Drug Store addition. Salinas stated all requirements are met.

Grubb made a motion to approve Renaissance Application for Tioga Drug Store, second by Weflen. Call: Ayes; Thompson, Grubb, Sundhagen, Weflen, McClelland

16. Financials - Salinas handed exhibit to Commission Board of City of Tioga Financials for September 2017,
Thompson made a motion to approve Balance Sheet for September 2017, second by Weflen. Call: Ayes; Thompson, Grubb, Sundhagen, Weflen, McClelland

Thompson made a motion to approve Fund Summary for September 2017, second by Grubb. Call: Ayes; Thompson, 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 Thompson at 9:03 p.m. call: Ayes; Thompson, Grubb, Sundhagen, Weflen, McClelland

The next meeting of the City of Tioga is scheduled for Monday November 6, 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