

CITY OF TIOGA

City Commission Meeting Minutes

November 6, 2023

<https://youtu.be/tLyCbF3NsxE>

A meeting of the City Commission of the City of Tioga was called to order at 7:00 pm on November 6, 2023, at the Tioga City Hall, by the City Commission President Kevin Litten.

PRESENT: Kevin Litten, Tim Christianson, Larry Maize, Jessica Sandberg, Elizabeth Pendlay (Zoom), Abby Salinas

ABSENT: Shawn Travis

GUEST: Mike Smith, Rochelle Raan, Neil Olson, Ronda Davidson, Deon Iverson, Wendy Lenzen, Jaden Iverson, Susan Christofferson, Colin Christofferson, Roxy Ulich, Robert Harms, Joel Wilt, Chad Frisinger, Bill Gathem, Rodney Anderson, Steve Holte, Linda Weyrauch, Rick Farrow, Marguerite Grindy, Wayne Grindy, Bob Anderson, Brian Osowski, Nathan Germundson, Myles Rosencrans, Henry Rieniets, Tyler Judkins, Judy Odegaard, Josh Reiner, Shirley Hoffman, Josh Nelson, Fran Stewart, Chuck Stewart, Nathan Zochert, Norma Brilz, Laura Jean Rosencrans, Haley Felber, Sandy Clark, Veronica McGinnity, Cody Normark, Karen Vetsch, Brian Hove, Kevin Hove, Kathy Hove, Corinne Wilburn, Shayne Wilburn, Ronica Pederson, Salli Fosburgh

Pledge of Allegiance: I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Maize made a motion to approve the Special Commission Minutes of October 12, 2023 and the Commission Minutes of October 16, 2023 with changes made on Item #3 Christianson voted Nay, second by Sandberg. Roll Call: Ayes; Christianson, Sandberg, Maize

Commissioners Reports:

Christianson: None

Travis: Absent

Sandberg: None

Maize: None

Litten: Advised Commission Board that there will be an Abatement Public Hearing on November 20, 2023 at 6:30pm. Litten also advised Commission Board that Employee Evaluations are due December 15, 2023.

Modifications/Approval of Agenda:

Sandberg made a motion to add #13.5 Robert Harms, regarding petition then approve the agenda with changes made, second by Christianson. Call: Ayes; Christianson, Sandberg, Maize

Old Business:

1. Legal – Pendlay – Advised Commission Board that she is currently with Nelson on the Jailing agreement with Williams County. Pendlay stated that there will be an executive session at the end of new business. Pendlay also reviewed the status of the petition that was turned in to Auditor’s office on 10-18-2023 and explained to the Commission Board why it’s not a legal petition. Pendlay states that the Home Rule Charter is clear on what is needed to be a legal petition which includes the full wording of the resolution and what they want to see done. Discussions held.
2. Moore Engineering: Reiner – Advised Commission Board of meeting with Teraflex for South Main Street Project. Advised Commission Board of status update for Northeast Reconstruction Project Phase

2, handed exhibit for their review and consideration of Pay Application #9 from Strata in the amount of \$1,265,449.31 Reiner states that liquidated damages need to be decided by the board to present to Strata. 152 days of liquidated damages would be \$243,200.

Christianson made a motion to Pay Application #9 from Strata in the amount of \$1,022,249.31 Which includes the deduction of liquidated damages to date of 152 days in the amount of \$243,200, second by Sandberg. Call: Ayes; Christianson, Sandberg Nays; Maize

Reiner gave update on Tioga Dam emergency action plan, Tioga Dam Recreational Trail and 3rd Street NW & N Hanson Street Reconstruction. Reiner gave update of projects for KSI, Tioga Soccer Field, City Scada System and informed Commission Board that the City had received a grant for the Lead and Copper Service Line Inventory, he will be meeting with Moberg and Salinas for review and process. Reiner also updated the Commission Board on relocation of the Baseball field and the topographic survey is complete. The scope of work for the 2024 project Water, Sewer, and Street project will require geotechnical services, Reiner handed exhibit to Commission Board for their review and consideration of geotechnical exploration from Material Testing Services in the amount of \$5,000 so that a proposal of next year's projects can be presented to the Commission Board.

Christianson made a motion to approve Material Testing Services in the amount of \$5,000 for geotechnical exploration on possible site of next year's project, second by Maize. Call: Ayes; Christianson, Sandberg, Maize

3. Community Center Update – Haley Felber – Advised Commission board on status of Community Center Committee meetings. Felber informed the Commission Board that Shelby Davis and Wayne Knutson withdrew from the Community Center Committee, and she would like the Commission Board to place Nathan Zockert as a Library proxy when Sandy Clark is not able to attend. Discussions held.

Maize made a motion to remove Shelby Davis and Wayne Knutson from Community Center Committee and add Nathen Zockert as the Library Proxy when Sandy Clark is not able to attend, second by Sandberg. Call: Ayes; Christianson, Sandberg, Maize

4. Ordinance 2023-05 Change in Emergency Route 2nd Reading – Salinas handed exhibit to Commission Board for their review and consideration of Ordinance 2023-05 Change in Emergency Route AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 8 (“TRAFFIC”), OF THE CITY OF TIOGA ORDINANCES; AN ORDINANCE GOVERNING EMERGENCY SNOW ROUTES BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TIOGA, NORTH DAKOTA, AS FOLLOWS: CHAPTER EIGHT TRAFFIC ARTICLE 4 – Snow Emergency Routes 8.0401 Snow Emergency Routes of the following streets in the City of Tioga are declared snow emergency routes as follows: Snow emergency routes are those streets normally traversing the entire City or a major part of the City and are essential to the rapid movement of emergency vehicles and normally carry the heaviest traffic volumes. The following streets or portions of streets in the City are hereby designated as snow emergency routes: Please see Exhibit Map found as an attachment to this chapter. The Board of City Commissioners by resolution may designate and amend streets or portions of streets which shall constitute snow emergency routes within the City. Snow emergency defined: When winter weather conditions exist that make it necessary for motorized vehicle travel to be expedited such that parking on snow emergency routes be prohibited for snow plowing and/or hauling, when an emergency condition exists. **Whenever the Tioga Chief of Police, Superintendent of Public Works or the City Street Commissioner** determines that three inches or more of snow, sleet, or freezing rain has accumulated on the designated snow emergency routes, a snow emergency may be declared. Notification of the snow emergency shall be made through public service announcement (either local media, Facebook or other means) will be issued stating that snow route plowing will begin, a parking prohibition on said routes shall become necessary.

Sandberg made a motion to approve the 2nd Reading of Ordinance 2023-05 Change in Emergency Route, second by Maize. Call: Ayes; Christianson, Sandberg, Maize

New Business:

5. Traffic Signal Replacement on ND 40 and CR10 (Signal Road) – Joel Wilt NDDOT – Advised the Commission Board that the traffic light on signal road and Hwy 40 does not meet the requirements for a traffic light. Wilt explained the process of what has been done and what will take place in the future including public hearings. Discussions held.
6. Advertise and Hire for Police Department Vacancy – Police Chief Josh Nelson – Advised Commission Board that due to Police Officer stepping down it has created a vacancy in the department and he is seeking permission to advertise and hire to fill that vacancy within the department.
Sandberg made a motion to approve the advertising and hiring of a Police Officer, second by Maize. Call: Ayes; Christianson, Sandberg, Maize
7. CD Accounts – Salinas is requesting permission to seek a high interest rate earnings, 6-month CD account which would be withdrawn when the CD account matures and placed back into the City's general account before next the construction season.
Christianson made a motion to have Salinas look into a 6-month CD account, second by Maize. Calls: Ayes; Christianson, Sandberg, Maize
8. Alternate Judge – Salinas handed exhibit to Commission Board of email from current Municipal Judge Kayelee Hammers which states an alternate Judge needs to be appointed in case she has to be absent. Hammers recommends Taylor Olson, which was a previously appointed Judge for Tioga prior to elections.
Sandberg made a motion to appoint Talor Olson as an alternate Judge for the Tioga Municipal Court, second by Maize. Calls: Ayes; Christianson, Sandberg, Maize
9. Change in Interview Questions – Salinas handed exhibit to Commission Board for their review and consideration of change in interview questions due to the new PT Administration Assistant Position and the PT Economic Development Director position.
Sandberg made a motion to approve the change in interview questions for the PT Administration Assistant Position and the PT Economic Development Director position, second by Maize. Calls: Ayes; Christianson, Sandberg, Maize
10. Street Signs in Tioga – Police Chief Josh Nelson handed exhibit to Commission Board for their review and consideration of Street sign changes that need to be made. Welo St/1st St NE change intersection from 2 way stop to 4-way stop, Welo St N/3rd St NE change eastbound yield sign to stop sign. Keep westbound stop sign, Welo St N/4th St NE change eastbound yield sign to stop sign. Keep westbound stop sign, Welo St N/5th St NE add 4-way placard to 4-way stop signs Welo St N/6th St NE change eastbound and westbound 6th St yield signs to stop signs, Main St N/6th St N change westbound yield sign to stop sign. Keep eastbound stop sign, Main St N/3rd St N change yield sign to stop sign, Main St N/Bank of Tioga add one way sign on Main St at Bank of Tioga drive through exit, 4th St N/Hanson St N Change to yield signs for northbound and southbound Hanson St, Dixon St N/3rd St N change stop signs to yield signs, 4th St N/Hoseth St N Change yield sign on 4th to stops signs on Hoseth/Parks Building Lot, South K&G exit/Hoseth add stop sign, North K&G Exit/Hoseth add stop sign, 3rd St N/Hoseth St N add stop sign for eastbound 3rd St., 4th St N/Elm St change from yield to stop sign for eastbound traffic, Black Gold Hotel Exit/Elm St. add stop sign, North K&G Exit/Elm St N add stop sign South K&G exit/Elm St N add stop sign, Dean Ave/2nd St N change from yield sign to stop sign, River St/ 2nd St N change from yield sign to stop sign, Willard St/Temple St change from yield sign to stop sign, Temple St/Linda St change from yield sign to stop sign, 5th St NW/2nd St N change from yield sign to stop sign, 3rd St NW/5th St NW add stop sign for southbound 3rd St/Change northbound 3rd St to stop sign from yield, 5th St NW/Benson St change from yield signs to stop signs. Discussions held.
Sandberg made a motion to approve the street sign changes, second by Maize. Call: Ayes; Sandberg, Maize Nays; Christianson
11. Estimate for Planning and zoning Application – Salinas handed exhibit to Commission Board for their review and consideration of an estimate from I-WORQ in the amount of \$2,000 for a planning and Zoning application that will track all applications received with any ordinances or policies.

Christianson made a motion to approve the Planning and Zoning application from I-Worqs in the amount of \$2,000, second by Maize. Call: Ayes; Christianson, Sandberg. Maize

12. Landfill Winter Hours - Salinas advised Commission Board that landfill needs to be changed into winter landfill hours open only on Tuesdays and Thursdays 8am to 5pm with an hour lunch effective November 07, 2023.

Sandberg made a motion to approve the winter landfill hours Tuesdays and Thursdays 8am to 5pm with an hour lunch effective November 07, 2023, second by Maize. Call: Ayes; Christianson, Sandberg, Maize

13. Bob Anderson/Loan Questions – Anderson asked Commission Board when was it decided not to pay the 1 million dollars approved in October of 2022. Sandberg stated that the motion that was approved back in October of 2022 was to look into a high interest yield account. Discussions held.

13.5 Robert Harms/Petition – Harms – Handed exhibits to Commission Board for their review and consideration of #1 Tioga Home Rule Charter Ordinance #2 Letter of Opinion from Johnathan Stanstead Attorney #3 page 1 of Petition. Harms asked the Commission Board to put the Loan up for special election. Discussions held. City Attorney Pendlay advised that the petition is not complete the resolution was not put on the petition in its entirety and its wording does not state that they want done. Discussions held.

Sandberg made a motion to have a special election for terms of loan, second by Maize. Call: Ayes; Christianson, Sandberg, Maize

9:32pm a 10-minute recess was call by President of the Commission Kevin Litten

9:42pm Reopen Commission Meeting from recess

14. Estimate for Electric and Insulation on Shed – Salinas handed exhibit to Commission Board for their review and consideration of an estimate from Shed Center for Electric and Insulation for the Shed that was approved at last meeting that will house the Community Center winter equipment temporarily in the amount of \$9,052.00.

Christianson made a motion to approve the estimate from Shed Center in the amount of \$9,052 for electric and insulation on the Shed that was previously purchased, second by Sandberg. Call: Ayes; Christianson, Sandberg, Maize

Litten is seeking a motion to go into Executive Session for NDCC 44-04-19.1 subpart 2 Attorney Consultation.

Maize made a motion to have a recess in Commission Meeting at 09:57pm and go into Executive Session at 10:02 to consult with Tioga City Attorney Elizabeth Pendlay on legal matters per NDCC 44-04-19-1(2), second by Sandberg. Roll Call: Ayes; Christianson, Sandberg, Maize.

Maize made a motion to move out of Executive Session at 10:36pm, second by Christianson. Call: Ayes; Christianson, Sandberg, Maize.

Maize made a motion to reopen General Commission Meeting at 10:40 pm, second by Sandberg. Call: Ayes; Christianson, Sandberg, Maize.

Christianson made a motion to permit Salinas to negotiate on behalf of the City of Tioga with Williams County for properties.

No action taken on other 2 subjects under Attorney Consultation.

Consent Approval:

15. Local Charity Permit Application – Salinas stated that the application on the agenda was withdrawn.
16. Special Liquor License Application – Salinas handed exhibit to Commission Board for their review and consideration of a Special Liquor License applications from Model Tavern/Gloria Iwen on 12-12-2023 for a Christmas Party, The Rig/Deborah Trones on 12-08-2023 for a Christmas Party, The Rig/Deborah Trones on 12-09-2023 for a HESS Christmas Party, and The Rig/Deborah Trones on 11-25-2023 for a Wedding Dance.

17. Pledge Holdings for 09-30-2023 and 10-04-2023 – Salinas handed exhibits to the Commission Board for their review and consideration of Pledge Holdings for 09-30-2023 and 10-04-2023.
18. Payroll for October 22, 2023 – Salinas handed exhibit to Commission Board for their review and approval of Payroll for 10-22-2023.

Sandberg made a motion to approve the consent agenda that consists of Special Liquor License applications from Model Tavern/Gloria Iwen on 12-12-2023 for a Christmas Party, The Rig/Deborah Trones on 12-08-2023 for a Christmas Party, The Rig/Deborah Trones on 12-09-2023 for a HESS Christmas Party, and The Rig/Deborah Trones on 11-25-2023 for a Wedding Dance, Pledge Holdings for 09-30-2023 and 10-04-2023, and Payroll for 10-22-2023, second by Maize. Call: Ayes; Christianson, Sandberg, Maize

With no further business, the meeting of the Tioga City Commission was adjourned by unanimous vote moved by Maize, second by Sandberg at 10:42 p.m. call: Ayes; Christianson, Sandberg, Maize, Litten

The next meeting of the City of Tioga Commission Meeting is scheduled for Monday November 20, 2023, at 7:00 p.m., to be held at the Tioga City Hall.

Kevin Litten, Tioga Commission President

ATTEST:

Abby Salinas, Tioga City Administrator/Auditor