

**CITY OF TIOGA**  
City Commission Meeting Minutes  
March 20, 2017

A meeting of the City Commission of the City of Tioga was called to order at 7:00 pm on March 20, 2017, at the Tioga City Hall, by President of the City Commission Drake McClelland.

PRESENT: Drake McClelland, Todd Thompson, Heather Weflen, Tim Sundhagen, and Desiree Hanson  
ABSENT: Abby Salinas, John Grubb  
GUEST: Antonio Conti, Dan Larson, Cecile Wehrman, Jeff Moberg, Ann Gaurmer, Marlin Powell, Travis Lesmeister, Jim McGinnity, Jeremy Wallin, Marcus White, Matt Ruhand, Rich & Brenda Carr, Daryn Pederson, David & Barb Guttormson, Elizabeth Pendlay, Stephanie Nygaard, Carolyn Eide, Matthew Carns, Judy Odegaard

**Sundhagen made a motion to approve the minutes of March 6, 2017, second by Weflen. Roll Call: Ayes; Thompson, Sundhagen, Weflen, McClelland**

**Commissioners Reports:**

Thompson: None  
Grubb: Absent  
Sundhagen: None  
Weflen: None  
McClelland: None

**Modifications/Approval of Agenda:**

**Old Business:**

1. Legal – McClelland advised Commission Board there has been a selection of two attorneys chosen to represent the City of Tioga. He also stated that Elizabeth Pendlay with Pendlay Law Offices will handle the civil side of projects. Pendlay was in attendance and handed her fee agreement to Commission Board to review. Salinas is out of town and will need to look over agreement as well.  
**Thompson made a motion to proceed with Elizabeth Pendlay as the attorney for the civil items, second by Sundhagen. Call: Thompson, Sundhagen, Weflen, McClelland.**  
McClelland stated that Judge Monica Sundhagen recommended Amber Fisil to handle the court side.  
**Sundhagen made a motion to proceed with Amber Fisil as the attorney for the court items, second by Thompson. Call: Thompson, Sundhagen, Weflen, McClelland.**
2. Ackerman-Estvold: Antonio Conti – Advised Commission Board bids were opened on Wednesday for Annabelle Special Improvement District with Bechtold Paving coming in with low bid.  
**Weflen made a motion to award the contract to Bechtold Paving in the amount of \$1,170,149.75 with approval of resolution at next city meeting, second by Sundhagen. Call: Thompson, Sundhagen, Weflen, McClelland**  
Conti advised Commission Board of Master Lift Station tentative project schedule; the next design meeting is March 29<sup>th</sup> at 2:00pm at City Hall.  
Conti stated when the Tioga Dam Emergency Plan was created there was an emergency spillway put in and when Annabelle Phase 3 was platted there was a lot created right on top of the spillway and there is not an easement. **Sundhagen made a motion for Ackerman to draw up an easement, second by Weflen. Call: Thompson, Sundhagen, Weflen, McClelland**  
Conti stated they could vacate the Annabelle Phase 3 plat and replatt into one lot showing the easement on the plat and leaving out the NE corner with the standpipe that was sold to WAWS. **Sundhagen made a**

**motion to vacate the drawing leaving the northeast corner with the standpipe, second by Weflen. Call: Thompson, Sundhagen, Weflen, McClelland**

3. AE2S: Did not attend meeting
4. Graham: Matt Ruhland – stated the Operations Maintenance manuals and closeouts for Dog Pound/Recycle Center are completed and have been delivered to Dan Larson.
5. Economic Development Community – Did not attend meeting

**New Business:**

6. Ordinance 2017-01 AN ORDINANCE ANNEXING TO THE CITY OF TIOGA, WILLIAMS COUNTY, NORTH DAKOTA, THAT CERTAIN TERRITORY CONTIGUOUS THERETO AND NOT EMBRACED WITHIN THE LIMITS THEROF, LOCATED AS Bluesky Property/Wade Bail (Legal DESCRIPTION exhibit 2 attached)

**BE IT ORDAINED BY THE BOARD OF THE CITY COMMISSIONERS OF THE CITY OF TIOGA, NORTH DAKOTA, AS FOLLOWS:** 1. That on March 1, 2017, a Petition signed by the owner of not less than three-fourths (3/4) in assessed value of the property in the territory contiguous or adjacent to the City of Tioga, Williams County, North Dakota, and not currently within the limits thereof described as follows, to-wit: **TOWNSHIP 157 NORTH, RANGE 95 WEST:** Section 28: MS 13-0125 as shown in Plat filed for record December 11, 2013, Williams County recorder office, Document No. 775651; Together with the portion of MS 13-0126 as shown in Plat filed for record December 11, 2013, Williams County recorder office, Document No. 775651 lying north of the following described line; Beginning at the northwest corner of said MS 13-0126 thence South 88°07'18" East a distance of 897.22 feet to the east line of said MS 13-0126 Containing 32.87 Acres more or less SEE EXHIBIT "A" ATTACHED. 2. The Petition along with a Notice of the time and place the Petition would be considered was published in the official newspaper of the City of Tioga on (date). 3. The City has mailed, at least seven days before the presentation, by certified mail, a notice of the time and place of consideration of the Petition, to the owner of each parcel of real property within the area described in the Petition, to the owner's last know mailing address. (Or No notice was mailed to the owners of the property to be annexed as, after review of ownership records, all owners signed the Petition.) 4. On (date of commission meeting where petition considered) the Petition was presented for the Tioga city commission. Upon review of the Petition it appearing that the petition and the proceedings had thereon are legally sufficient in all respects and has no legal cause has been shown why said Petition for annexation should not in all things be granted and said territory annexed. 5. Pursuant to said Petition for annexation, that certain property described above, contiguous or adjacent to the City of Tioga, Williams County, North Dakota, and not currently within the limits thereof, be and hereby is annexed into the City of Tioga. 6. The property herein described shall be designated and included within (zoning designation). 7. A copy of this Ordinance, with an accurate map of the said territory annexed herein, certified by the President of the City Commission as Executive Officer of Tioga shall be filed and recorded in the office of the Register of Deeds Williams County, North Dakota. This ordinance shall take effect and be in force from and after final passage, and due publication according to law.

**Weflen made a motion to approve 2nd reading Ordinance 2017-01 Annexation of Wade Bail, Second by Sundhagen. Call: Ayes; Thompson, Weflen, McClelland, Sundhagen**

7. Ordinance 2017-02 AN ORDINANCE ANNEXING TO THE CITY OF TIOGA, WILLIAMS COUNTY, NORTH DAKOTA, THAT CERTAIN TERRITORY CONTIGUOUS THERETO AND NOT EMBRACED WITHIN THE LIMITS THEROF, LOCATED AS ZION LUTHERAN CHURCH (Legal Description exhibit 2 attached) **BE IT ORDAINED BY THE BOARD OF THE CITY COMMISSIONERS OF THE CITY OF TIOGA, NORTH DAKOTA, AS FOLLOWS:** 1. That on March 1, 2017, a Petition signed by the owner of not less than three-fourths (3/4) in assessed value of the property in the territory contiguous or adjacent to the City of Tioga, Williams County, North Dakota, and not currently within the limits thereof described as follows, to-wit: **TOWNSHIP 157 NORTH, RANGE 95 WEST:** Sublot 6 in Section 22, Township 157 North, Range 95 West, as shown in Plat filed for record December 10, 2013, Williams County recorder office, Document No. 775606. Containing 8.50 Acres more or less SEE EXHIBIT "A" ATTACHED. 2. The Petition along with a Notice of the time and place the Petition would be considered was published in the official newspaper of the City of Tioga on March 20,

2017 at 7:00pm 3. The City has mailed, at least seven days before the presentation, by certified mail, a notice of the time and place of consideration of the Petition, to the owner of each parcel of real property within the area described in the Petition, to the owner's last know mailing address. (Or No notice was mailed to the owners of the property to be annexed as, after review of ownership records, all owners signed the Petition.) 4. On March 20, 2017 (date of commission meeting where petition considered) the Petition was presented for the Tioga city commission. Upon review of the Petition it appearing that the petition and the proceedings had thereon are legally sufficient in all respects and has no legal cause has been shown why said Petition for annexation should not in all things be granted and said territory annexed. 5. Pursuant to said Petition for annexation that certain property described above, contiguous or adjacent to the City of Tioga, Williams County, North Dakota, and not currently within the limits thereof, be and hereby is annexed into the City of Tioga. 6. The property herein described shall be designated and included within (zoning designation). 7. A copy of this Ordinance, with an accurate map of the said territory annexed herein, certified by the President of the City Commission as Executive Officer of Tioga shall be filed and recorded in the office of the Register of Deeds Williams County, North Dakota. This ordinance shall take effect and be in force from and after final passage, and due publication according to law.

**Thompson made a motion to approve 2nd reading of Ordinance 2017-02 Annexation of Zion Lutheran Church, second by Sundhagen. Call: Ayes; Thompson, Sundhagen, McClelland. Nays; Weflen**

8. Ordinance 2017-03 AN ORDINANCE TO AMEND THE HOME RULE CHARTER ARTICLE 18.0103(3) RELATING TO THE REMOVAL OF THE TWENTY-FIVE DOLLAR (\$25.00) CAP ON THE CITY SALES TAX AS APPROVED BY THE MAJORITY OF ELECTORS IN THE CITY OF TIOGA **BE IT ORDAINED BY THE BOARD OF THE CITY COMMISSIONERS OF THE CITY OF TIOGA, NORTH DAKOTA, THAT ARTICLE 18.0103(3) AND ARTICLE 19.105 SHALL BE AMENDED AS FOLLOWS:** Any sales tax imposed shall not exceed two percent (2%) of the gross retail sales and use purchases in the City of Tioga. ~~nor shall the tax exceed twenty five dollars (\$25.00) on any single purchase or sales transaction involving one or more items. 19.0105 Maximum Tax Imposed No single transaction involving one (1) or more items is subject to a tax in excess of twenty five dollars (\$25.00). This ordinance shall take effect and be in force from and after final passage, approval and publication according to law.~~

**Sundhagen made a motion to approve 2nd Reading of Removal of Sales Tax, second by Weflen. Call: Ayes; Thompson, Sundhagen, Weflen, McClelland**

9. Planning and Zoning Applications - Planning & Zoning Committee advised Commission Board to approve conditional use application for Steven & Carlyn Stansfield to teach martial arts in their home. Discussion held on requirements for a home-based business.

**Sundhagen made motion to approve the conditional use for as long as the business is in operation, second by Thompson. Call: Ayes; Thompson, Sundhagen, Weflen, McClelland**

Planning and Zoning Applications - Planning & Zoning Committee advised Commission Board to approve permanent extension of Conditional Use permit for Gunn Enterprises, Inc. Discussions held on what should be the requirements for zoning a property for permanent use for RV homes.

**Weflen made motion to extend current conditional use permit for 6 or more months and table the new application for conditional use permit for Gunn Enterprises, Inc until City of Tioga develops an ordinance for becoming a permanent zone use for property, second by Sundhagen. Call: Ayes; Thompson, Sundhagen, Weflen, McClelland**

Planning and Zoning Applications - Planning & Zoning Committee advised Commission Board to approve permanent extension of Conditional Use permit for Tioga RV & Trailer Park. Discussions held on what should be the requirements for zoning a property for permanent use for RV homes.

**Weflen made motion to extend current conditional use permit for 6 or more months and table the new application for conditional use permit for Gunn Enterprises, Inc until City of Tioga develops an ordinance for becoming a permanent zone use for property, second by Sundhagen. Call: Ayes; Thompson, Sundhagen, Weflen, McClelland.**

Larson advised Commission Board that Basin Electric is funding the tree planting program from the Williams County Soil Conservation and asked if he could move forward with this program. Commission Board stated they would like to see Larson pursue the program.

10. Richard Carr – Richard Carr read his letter to the Commission Board expressing his concern for the safety of the children that are getting dropped off for school and picked up from school in front of his house. Discussion was held. **Sundhagen made a motion to table until further information was acquired, second by Heather. Call: Ayes; Thompson, Sundhagen, Weflen, McClelland.**
11. Bills for March 2017 – Hanson handed exhibit to Commission Board of March 2017 Bills and advised Commission Board there are still some outstanding bills that will arrive this month  
**Sundhagen made motion to approve bills for March 2017, second by Thompson. Call: Ayes; Thompson, Sundhagen, Weflen, McClelland**
12. Hanson handed exhibit to Commission Board of City of Tioga Payroll for March 20, 2017  
**Sundhagen made a motion to approve Payroll for March 20, 2017, second by Thompson. Call: Ayes; Thompson, Sundhagen, Weflen, McClelland**
13. Hanson handed exhibit to Commission Board of City of Tioga Financials for February 2017,  
**Thompson made a motion to approve Balance Sheet for February 2017, second by Sundhagen. Call: Ayes; Thompson, Sundhagen, Weflen, McClelland**  
**Thompson made a motion to approve Fund Summery for February 2017, second by Sundhagen. Call: Ayes; Thompson, Sundhagen, Weflen, McClelland**

**With no further business the meeting of the Tioga City Commission was adjourned by unanimous vote moved by Weflen second by Sundhagen at 8:30 p.m. call: Ayes; Thompson, Sundhagen, Weflen, McClelland**

The next meeting of the City of Tioga is scheduled for Monday April 3, 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