

CITY OF TIOGA

City Commission Meeting Minutes

January 17, 2023

<https://www.youtube.com/watch?v=2RWzT4zFJx0>

A meeting of the City Commission of the City of Tioga was called to order at 7:00 pm on January 17, 2023, at the Tioga City Hall, by the City Commission President Kevin Litten.

PRESENT: Kevin Litten, Tim Christianson, Jessica Sandberg-Steele, Larry Maize, Elizabeth Pendlay (on phone), Abby Salinas

ABSENT: Shawn Travis

GUEST: Jacob Orledge, Judy Odegaard, Cody Normark, Dan Larson, Wendy Lenzen, Laura Jean Rosencrans, Chelsy Weisz, Joel Shaffett, Salli Fosburgh, Tyler Judkins

Christianson made a motion to approve the Commission Minutes of January 3, 2022 regular Commission Meeting with no errors and omissions, second by Maize. Roll Call: Ayes; Christianson, Steele, Maize

Modifications/Approval of Agenda:

Christianson made a motion to add to the agenda under #8 Updated Police Department Policy/Fitness for Duty Evaluation then approve agenda with change made, second by Maize. Call: Ayes; Christianson, Steele, Maize

Old Business:

1. Legal – Pendlay – Advised Commission Board that there will be 2nd readings of ordinances and 1st reading of another ordinance and in the future, there will be another ordinance that she is currently working on.
2. Moore Engineering: Reiner – None

New Business:

3. City Properties Converted into Parks South and North of Town – Tyler Judkins (Parks Manager) advised Commission Board that the Park is ready to grow into other areas where the City has designated land for future parks. Judkins also stated that they don't have the options of levying more money so they would like the City to consider giving the park free water in lieu of the park hiring more staff for proper care of these parks in the summer. Christianson stated he will consider that option and discuss with Commission Board in future.
4. 2nd Reading of Ordinance 2023-01 Clerical Error in Chapter 1 and 2nd Reading of Ordinance 2023-03 Update Chapter 5 Planning and Zoning - Salinas handed exhibit to Commission Board for their review and consideration of Ordinance 2023-01 Correction of Clerical Error in Chapter 1 - AN ORDINANCE MAKING CORRECTION OF CLERICAL ERRORS EXISTING WITHIN CHAPTER 1 THE ORDINANCES OF THE CITY OF TIOGA (GOVERNMENT ORGANIZATION). BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TIOGA, NORTH DAKOTA, AS FOLLOWS: The City of Tioga (the "City"), having become aware of certain clerical errors existing within Chapter 1 of the City of Tioga Ordinances, which inaccurately states a 3rd Commission Meeting date each month. ARTICLE 2 - Governing Body - Board of City Commissioners 1.0201 Regular Meetings. The Tioga City Council shall meet regularly at the City Hall on the first and third and fifth Monday of each month at the hour of 7:00 p.m. unless some other time and place shall be specifically fixed by the Board. The Board shall meet in addition thereto, as often as required by Section 47-09-11 of the North Dakota Century Code. Scope of Correction/Modification/Amendment: Except as expressly corrected, modified and amended herein, the provisions of Chapter 1 of the City of Tioga Ordinances shall remain in full force and effect.
Steele made a motion to approve the 2nd reading of Ordinance 2023-01 Correction of Clerical Error in Chapter 1, second by Maize. Call: Ayes; Christianson, Steele, Maize

Salinas handed exhibit to Commission Board for their review and consideration of Ordinance 2023-03 Updated Chapter 5 Planning and Zoning - AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 5 (“ZONING –LAND USE PLANNING”), OF THE CITY OF TIOGA ORDINANCES; AN ORDINANCE GOVERNING ZONING, LAND USE PLANNING. BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TIOGA, NORTH DAKOTA, AS FOLLOWS: 5.1400 Enforcement. The administration and enforcement of this ordinance (Chapter 5) is hereby vested in the Tioga City Commission, the Tioga Planning Commission, the Building Inspector/Community Service Director and the City Auditor. The duty of the Tioga City Commission or its appointed representative is to investigate the violations of the provisions of this ordinance (Chapter 5). If the City Commission finds a violation of this ordinance, they shall order in writing the correction of the violation. The City Commission may institute appropriate action or proceedings for the purpose of: 1. Prosecuting any violation. 2. Restraining, correcting or abating such violation. 3. Preventing the occupancy of any building, structure or land in violation of this ordinance. 4. Preventing any illegal act, conduct, business or use in or about any buildings, structure or land in violation of this ordinance. 5. Penalties for Violations. a. Violation of the provisions of this ordinance (Chapter 5) or failure to comply with any of its requirements, including violations on conditions and safeguards established in connection with grants or variances or conditional uses, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be punished by a fine not exceeding \$500 or by imprisonment not to exceed 30 days or by both such fine and imprisonment for each such offense, and in addition shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. b. Nothing herein contained shall prevent the Commission Board from taking such other lawful action as is necessary to prevent or remedy any violation. Nothing herein contained shall prevent the Commission Board from taking such other lawful action as is necessary to prevent or remedy any violation. (A full copy of this updated chapter can be requested at City Hall)

Maize made a motion to approve the 2nd reading of Ordinance 2023-03 Updated Chapter 5 Planning and Zoning, second by Steele. Call: Ayes; Christianson, Steele, Maize

5. 1st Reading of Ordinance 2023-02 Updated Chapter 8 Traffic – Salinas handed exhibit to Commission Board for their review and consideration of Ordinance 2023-02 Update Chapter 8 Traffic - 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 8.0307 Penalty - Violations — traffic/parking citation — complaint. Whenever any motor vehicle is found stopped or parked contrary to the provisions of this section, the owner of such vehicle may be issued a traffic summons or a parking citation charging them with a violation of this section. Any person violating this section is subject to a fine of \$150 per violation. 8.0401.9 Snow Emergency Routes Violations — traffic citation — complaint. Whenever any motor vehicle is found stopped or parked contrary to the provisions of this section, after 8 of the declaration of a snow emergency, the owner of such vehicle may be charged with a violation of this section. Any person violating this section is subject to a fine of \$50 per each day of violation and the vehicle may be subject to impound, administrative and other incurred fees. (A full copy of this updated chapter can be requested at City Hall)

Maize made a motion to approve the 1st reading of Ordinance 2023-02 Updated Chapter 8 Traffic, second by Steele. Call: Ayes; Christianson, Steele, Maize

6. Estimate for Garage Door Fix in Police Department – Police Chief Nelson handed an exhibit to Commission Board for their review and consideration from Overhead Door Co in Minot for garage overhead door fix for the Police Department in the amount of \$3,960 plus labor and milage.
Christianson made a motion to approve the estimate from Overhead Door Co of Minot in the amount of \$3,960 plus labor and milage to fix the garage overhead door, second by Maize. Roll Call: Ayes; Christianson, Steele, Maize
7. Estimate for new Police Officer Body Cams – Police Chief Nelson handed an exhibit to the Commission Board for their review and consideration from Axon for a 5-year contract and new body cams for

Police officers which would include 2 updates of new equipment in the future in the amount of \$30,978.60. Discussions held.

Maize made a motion to approve the estimate from Axon in the amount of \$30,978.60 a 5-year contract and new body cams, second by Steele. Call: Ayes; Christianson, Steele, Maize

8. Open Position for Administrative Assistant at Police Department – Police Chief Nelson advised the Commission Board that current Administrative Assistant has put her letter of resignation in and he is seeking permission to advertise and hire for current open position.

Maize made a motion to approve advertising and hiring for the open Administrative Assistant position in the police Department, second by Steele. Call: Ayes; Christianson, Steele, Maize

Nelson also stated that he has been working on updating Police Department Policy and is seeking approval of updated policy of “Fitness for Duty Evaluation” while researching who does these types of evaluations, he found that cost associated with this type of evaluation are high (\$1,500 to \$2,000 is the average cost) and he is seeking permission to continue with that policy. Nelson states that this has not been needed but it is a preventative measure in case it’s needed in the future. Discussions held.

Steele made a motion to approve the updated policy of Fitness for Duty along with cost associated with the evaluation, second by Maize. Call: Ayes; Christianson, Steele, Maize

9. Resolution 2023-01 Removal of Staff from Municipal Court Account – Salinas handed exhibit to Commission Board for their review and consideration of Resolution 2023-01 Removal of Staff from Municipal Court Account - BE IT RESOLVED, by the City Commission of the City of Tioga, Williams County, North Dakota: A RESOLUTION TO MODIFY THE SIGNATURE CARDS FOR THE CITY OF TIOGA MUNICIPAL COURT BANK ACCOUNT. Whereas; the City of Tioga, Williams County, North Dakota, is a municipal corporation, organized and existing under the laws so the State of North Dakota; Whereas; in order to facilitate the order processing of City of Tioga business the City Auditor has requested that Abby Salinas (Auditor), Chelsy Weisz (Administrative Assistant), and Jessica Sandberg (Police Commissioner) be listed as signers on the City of Tioga Municipal Court Account and that Crystal Sawyer be removed from said signature card effective January 25, 2023. Now, therefore, the City Commission approves the removal of Crystal Sawyer from the City of Tioga Municipal Court Bank Account.

Christianson made a motion to approve Resolution 2023-01 Removal of Staff from Municipal Court Account, second by Maize. Roll Call: Ayes; Christianson, Steele, Maize

10. Rath and Mehrer Audit for 2022 – Salinas handed exhibit to Commission for their review and consideration of estimate from Rath and Mehrer in the amount up to \$13,300 to complete the Audit for 2022 of the City.

Steele made a motion to approve the estimate from Rath and Mehrer in the amount up to \$13,300 to complete the Audit for 2022 of the City, second by Maize. Call: Ayes; Christianson, Steele, Maize

11. Planning and Zoning Application – Salinas handed exhibit to Commission for their review and consideration of Planning and Zoning Conditional Use Application from Steven Huinker, Litten States he would like this tabled until we can contact Huinker and he can attend the meeting.

Maize made a motion to table the Planning and Zoning conditional use application from Steven Huinker, second by Christianson. Call: Ayes; Christianson, Steele, Maize

Consent Approval:

12. Payroll 03-22-2022 and 01-06-2023 - Salinas handed exhibits to Commission Board for their review and consideration of payroll for 03-22-2022 and 01-06-2023.
13. Financials for December 2022- Salinas handed exhibits to Commission Board for their review and consideration of financials for December 2022 of Fund Summary and Balance Sheet.

Steele made a motion to approve the consent agenda that consists of Payroll for 03-22-2022 and 01-06-2023 and the City Financials for December 2022, second by Maize. Call: Ayes; Christianson, Steele, Maize

With no further business, the meeting of the Tioga City Commission was adjourned by unanimous vote moved by Maize, second by Steele at 7:51p.m. call: Ayes; Christianson, Steele, Maize, Litten.

The next meeting of the City of Tioga Commission Meeting is scheduled for Monday February 6, 2023 at 7:00 p.m., to be held at the Tioga City Hall.

Kevin Litten, Tioga Commission President

ATTEST:

Abby Salinas, Tioga City Auditor