

**CITY OF TIOGA**  
City Commission Meeting Minutes  
February 18, 2020

A meeting of the City Commission of the City of Tioga was called to order at 7:00 pm on February 18, 2020, at the Tioga City Hall, by the City Commissioner Drake McClelland.

**PRESENT:** Drake McClelland, Tim Christianson, Natalie Bugbee, Tim Sundhagen, Heather Weflen, Elizabeth Pendlay and Abby Salinas

**ABSENT:**

**GUEST:** Dan Larson, Jacob Orledge, Austin Rollag, Josh Reiner, Shana Nelson, Chuck Stewart, Shelly Gleave, Curtis Gleave, Barry Ramberg, Dennis Rehak, Matt Lierz, Shane Haas, Scott Bertsch, Daryn Pederson, Taylor Dawson, David Papineau, Sam Neil, Cody Normark, Kyle Ralston, Tyler Judkins

**Christianson made a motion to approve the Commission Minutes of January 29, 2020 Special Meeting, second by Sundhagen. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

**Christianson made a motion to approve the Commission Minutes of February 3, 2020 Regular meeting, second by Sundhagen. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

**Commissioners Reports:**

Christianson: None  
Bugbee: None  
Sundhagen: None  
Weflen: None  
McClelland: None

**Modifications/Approval of Agenda:**

**Weflen made a motion to approve agenda as written, second by Sundhagen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

**Old Business:**

1. Ordinance 2020-01 ETJ 1<sup>st</sup> Reading – Salinas handed exhibit to Commission Board of Ordinance 2020-01 ETJ for their review and consideration. McClelland asked is there are any questions or comments, none made ordinance was read - AN ORDINANCE OF THE CITY OF TIOGA ORDINANCES ESTABLISHING THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TIOGA. WHEREAS, the City of Tioga desires to establish its extraterritorial jurisdiction, through this ordinance, pursuant to Section 40-47-01.1 of the North Dakota Century Code, for certain property located within Williams County, North Dakota, which is more particularly described on Exhibits "A" and "B" attached hereto and made a part hereof. WHEREAS, the boundaries of the City of Tioga have been expanding of late due to generalized growth and certain annexations that have transpired prior to the passage of this Ordinance; and WHEREAS, it is in the best interest of the City of Tioga and in the interest of the health, safety and general welfare of the citizens of City of Tioga to adopt this ordinance so as to maximize the potential growth and development of the City and to create economical, orderly, and safe final zoning rules and regulations, which will require time, study and consideration before such other and further zoning regulations can be effectively and efficiently imposed. Chapter/Section 5 of Article 4 of the City of Tioga Ordinances is hereby amended and supplemented as follows: NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TIOGA, NORTH DAKOTA, AS FOLLOWS: INTERIM ZONING DISTRICT PREAMBLE The City of Tioga's jurisdiction extends to all persons, places and property within its boundaries and such extraterritorial jurisdiction as is granted to the City pursuant to applicable provisions of the laws of the State of North Dakota; it was the decision of the Board of Commissioners

for the City of Tioga to avail itself of the authority granted to municipalities under Section 40-47-01.1 of the North Dakota Century Code; and The City of Tioga has a population of less 5,000 people according to the last federal census; The City of Tioga has a Planning and Zoning Commission, together with a retained engineer who have engaged in preliminary research and study that supports and suggests extraterritorial establishment is in the best interests of the City of Tioga due to the acquisition and inclusion of various properties by annexation and the growth of the City at large, which have expanded the boundaries of the City of Tioga; The City of Tioga notified the zoning board or boards of all political subdivisions losing their partial zoning authority fourteen days prior to the City's adoption of this ordinance in accordance with Section 40-47-01.1 of the North Dakota Century Code; such zoning transition meeting(s) was held on the 9th day of January, 2020, allowing the parties affected to address and review the existing rules, regulations and restrictions currently in place for the territory to be zoned and a plan was decided for the property for its orderly transition; The Zoning Commission has submitted its recommendations to the Board of City Commissioners in the form of a preliminary and final report after holding public meetings thereon recommending the expansion of the City's extraterritorial jurisdiction for exclusive jurisdiction as provided in Subsection 1(a)(1) of Section 40-47-01.1, N.D.D.C.C., and The land to be zoned and controlled by the City of Tioga is a large area where extensive planning of this magnitude necessitates intensive study of long duration before final zoning regulations can be imposed, and It is the intent of the City Commission that this interim zone classification be in all respects a zone classification no less than the other classifications heretofore enacted by this body within the Ordinance No. 2014-5, also known as Planning and Zoning 5-0401, with all amendments thereto, and Sec. 15-37. Extend the Area Covered by the Zoning Regulations. The City of Tioga hereby extends the application of its zoning regulations to include the following-described property in Williams County, North Dakota, more particularly described in the attached Exhibits "A" and "B." Exhibits "A" and "B" depict a full one-mile extraterritorial area lying beyond the corporate limits of the City. However, while the extraterritorial area described in the said Exhibits depicts a one-mile extraterritorial area in total, the City shall have primary and exclusive jurisdiction for zoning regulations only within the first one-half (1/2) mile of the larger one-mile extraterritorial area described therein, meaning that such primary and exclusive jurisdiction in the City shall exist with respect the area of land commencing at the corporate limits of the City outward a distance of one-half mile. Williams County and the City of Tioga shall have joint jurisdiction within the second one-half (1/2) mile, which means that Williams County shall have and maintain primary jurisdiction within the second one-half (1/2) mile, subject to all statutory process and relief available to the City under the North Dakota Century Code and subject to any future joint powers agreement which may ultimately arise between the City and Williams County. This ordinance shall be in full force and effect upon its final passage and approval.

**Weflen made a motion to approve the first reading of Ordinance 2020-01 ETJ, second by Christianson. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

2. Legal – Elizabeth Pendlay – Advised Commission Board of the items she is currently working on reviewing the and updating the Ordinance book for the City of Tioga and she would like to request cost from Vogel Law Firm in updating the employee handbook (they have been to League of Cities and stated that this is under their field of expertise), Under NDCC 40-20 General or Limited Purposes states we can contract with another firm to assist. Discussions held.

**Sundhagen made a motion to approve Pendlay to speak with Vogel Law firm to get a cost estimate in updating Employee handbook, second by Weflen. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

Pendlay also stated that she is in the process of reviewing the GIS contract with Moore and in order not to delay process she is seeking authorization for McClelland to sign contract after she completes review and makes any necessary corrections and/or updates.

**Sundhagen made a motion to approve the signing of the GIS contract contingent on Pendlay's review, second by Weflen. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

3. Moore Engineering: Reiner – Advised Commission Board on updates of work being completed on the Northeast reconstruction plans 60% complete. Handed exhibit to Commission Board of quote for GIS subscriptions, equipment and Trade-ins. Discussions held.  
**Weflen made a motion to approve quote for GIS subscription, equipment and trade-in value up to \$12,500, second by Christianson. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**  
Reiner also stated that after looking at the property to add sewer or lift station at Ruach Resources, as long as gravity works, he recommends a sewer line and estimates approximately \$270,000 in cost.
4. FCI Construction- Austin Rollag – Advised the Commission Board of the status for the Police Station and Museum construction. Handed exhibit of pay application #8 from FCI in the amount of \$200,648.55 for the work done in the month of January 2020 on the Museum.  
**Sundhagen made a motion to approve Pay Application #8 from FCI Construction in the amount of \$200,648.55 for the work done in January of 2020 at the New Museum, second by Weflen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**  
Handed pay application #9 from FCI in the amount of \$339,904.30 for the work done in the month of January 2020 on the Police Station.  
**Sundhagen made a motion to approve Pay Application #9 from FCI Construction in the amount of \$339,904.30 for the work done in January of 2020 at the New Police Station, second by Weflen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**
5. Water Department Quote – Salinas handed exhibit of quote estimate from Midwest Welding and Machine for new blower that is needed at the Waste Water Treatment Facility in the amount of \$10,234.00 for their review and consider. Discussions held.  
**Christianson made a motion to approve the quote for new blower in the amount of \$10,234 from Midwest Welding Machine, second by Weflen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**
6. 2019 End of Year Correction – Salinas handed a correction for End of Year for their review and approval.  
**Sundhagen made a motion to approve the corrected end of year, second by Christianson. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

**New Business:**

7. Planning & Zoning – Daryn Pederson (President of the Planning and Zoning Board) - Advised Commission that the planning and Zoning Board is currently working on Crew Housing and will continue next month in reviewing other ordinances with the assistance of City Legal Counsel Pendlay.
8. Wet Lands Credit – Salinas handed exhibit of email from Lonnie Fleck Engineer from Interstate Engineering firm currently working on share project with the City of Tioga for County Road 10, she advises that the City purchase wetland credits in the amount of \$24,200 for the 0.44 acers that will be impacted. Discussions held.  
**Sundhagen made a motion to approve the purchase of the wetlands credit in the amount of \$24,000, second by Weflen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**
9. Unpaid Taxes – Salinas handed exhibit of email from Karen Prout (Williams County Attorney) Regarding 2 unsold properties in Annabelle during County Auction. The County Commission has authorized for the City to purchase those two properties in the Anabelle Homes Subdivision located in the City of Tioga which were taken by the County for unpaid taxes & special assessments. The two properties in the City of Tioga that were offered but not sold at the annual sale in November 2019 are: Lot 1, Block 64 (R) (PIN 03-000-00-19-64-010) and Lot 1, Block 54 (R) (PIN 03-000-00-19-54-010). There are also special assessments owed on both of these properties. The County Commission authorized the sale of these two properties to the City of Tioga pursuant to NDCC 57-28-19 for \$1.00. If purchased for this amount, the County Commission would then cancel the unpaid taxes and special assessments per NDCC 57-28-20.

**Sundhagen made a motion to approve the purchase the two lots from the County Commission Lot 1, Block 64 (R) (PIN 03-000-00-19-64-010) and Lot 1, Block 54 (R) (PIN 03-000-00-19-54-010), second by Weflen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

10. Tioga Fund Applications - Salinas handed exhibit to Commission Board of a Tioga Fund application from Tioga EDC in the amount of \$24,300 for workforce development and opportunities through University of Mary, for their review and consideration. Tioga Fund Board advised Commission Board that they have reviewed application from EDC and recommend approval of \$24,300.

**Sundhagen made a motion to approve the Tioga Fund application from Tioga EDC in the amount of \$24,300 for workforce development opportunities, second by Christianson. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

Salinas handed exhibit to Commission Board of a Tioga Fund application from Tioga Chamber of Commerce in the amount of \$10,000 for radio broadcasting, for their review and consideration. Tioga Fund Board advised Commission Board that they have reviewed application from Tioga Chamber of Commerce and recommend approval of \$10,000.

**Sundhagen made a motion to approve the Tioga Fund application from Tioga Chamber of Commerce in the amount of \$10,000 for radio broadcasting, second by Christianson. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

Salinas handed exhibit to Commission Board of a Tioga Fund application from Tioga Police Department in the amount of \$5,500 for the purchase of a community rescue vehicle, for their review and consideration. Tioga Fund Board advised Commission Board that they have reviewed application from Tioga Police Department and recommend approval of \$5,500.

**Sundhagen made a motion to approve the Tioga Fund application from Tioga Police Department in the amount of \$5,500 for the purchase of a community rescue vehicle, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

Salinas handed exhibit to Commission Board of a Tioga Fund application from Tioga After Prom in the amount of \$300 for the Tioga After Prom, for their review and consideration. Tioga Fund Board advised Commission Board that they have reviewed application from the After-Prom Committee and recommend approval of \$300.

**Sundhagen made a motion to approve the Tioga Fund application from Tioga After Prom in the amount of \$300 for the after-prom party for the Tioga high school kids, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

11. Visitor Promotion Applications – Salinas handed Commission Board a Visitor Promotion application from the Tioga Community Center in the amount of \$30,000 for the purchase of a small utility vehicle to clean the hockey rink, for their review and consideration. Visitor Promotion Committee advised Commission Board that they have reviewed application from Tioga Community Center and recommend approval of \$30,000.

**Sundhagen made a motion to approve the Visitor Promotion Application from the Tioga Community Center in the amount of \$30,000 for the purchase of a small utility vehicle to clean the hickey rink, second by Weflen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

Salinas handed exhibit to Commission Board of a Visitor Promotion Application from Tioga Chamber of Commerce in the amount of \$10,000 for radio broadcasting, for their review and consideration. Visitor Promotion Committee advised Commission Board that they have reviewed application from Tioga Chamber of Commerce and recommend approval of \$10,000.

**Sundhagen made a motion to approve the Visitor Promotion application from Tioga Chamber of Commerce in the amount of \$10,000 for radio broadcasting, second by Weflen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

12. Designating Depositories – Salinas advised Commission Board that every year a bank should be selected to do regular depositories according to Rath & Mehrer per ND CC 21-06-07 for any pledge of securities and/or investments.

**Sundhagen made a motion to approve Bank of Tioga as the designated bank for the City of Tioga, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

13. Pledge Holdings - Salinas handed exhibit to Commission Board of Pledge Holdings from Bank of Tioga as of 02-06-2020 for their review and consideration.

**Sundhagen made a motion to approve Pledge Holdings for 02-06-2020, second by Weflen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

14. Resolution 2020-02 Water Rate Increase – Salinas handed exhibit to Commission Board of Resolution 2020-02- Water Rate Increase for their review and consideration. BE IT RESOLVED, by the City Commission of the City of Tioga, William County, North Dakota: WATER AND SEWER SERVICE RATE/FEE INCREASE, EFFECTIVE March 1, 2020 RECITALS The City of Tioga, North Dakota (the "City"), a political subdivision and municipal corporation of the State of North Dakota, incorporated under the provisions of Title 40 (Municipal Government) of the North Dakota Century Code (the "NDCC"), with full power and authority to construct, repair, improve and maintain various infrastructure relating to water and sewage service within the City; and further to provide for water service within the City; and further provide sewer service within the City; and further with full power and authority to set and modify, from time to time, the rates /fees for the use and service for all of the aforementioned activities; that by Resolution the City: 1. Conducted a public hearing on February 18, 2020, which notice had properly previously been given to the public, at which time a proposed increase to the residential and commercial sewer and water rates was discussed; 2. Presented the following proposal and schedule of fees for said increase as follows: (a) Effective March 1, 2020, the fees/rate for Residential Water service within the City would not increase by way of base fee/rate in the amount of \$17.00 per month (or applicable billing cycle), but will increase by the way of an additional fee/rate of \$7.62 per every 1,000 gallons of water used during each said month (or applicable billing cycle), whereas the water current fees/rates, as of the date of hearing, was a base fee/rate of \$17.00 per month (or applicable billing cycle), together with an additional fee/rate of \$7.12 per every 1,000 gallons of water used during each said month (or applicable billing cycle); and (b) Effective March 1, 2020, the fees/rate for Commercial Water service within the City would not increase by way of a new base fee/rate in the amount of \$32.00 per month (or applicable billing cycle), but will increase by the way of an additional fee/rate of \$7.62 per every 1,000 gallons of water used during each said month (or applicable billing cycle), whereas the water current fees/rates, as of the date of hearing, was a base fee/rate of \$32.00 per month (or applicable billing cycle), together with an additional fee/rate of \$7.12 per every 1,000 gallons of water used during each said month (or applicable billing cycle); and 3. Engaged in discussion and review of the existing and proposed rates, heard any public comments made in relation thereto, and further engaged in discussion and review of various records relevant to the determination of such rates. 4. And after such discussion, review and receipt and consideration of any comments, approved the rate increase described above. BE IT RESOLVED: 5. Effective March 1, 2020 the fees/rate for Residential Water service within the City shall be a base fee/rate in the amount of \$17.00 per month (or applicable billing cycle), together with an additional fee/rate of \$7.62 per every 1,000 gallons of water used during each said month (or applicable billing cycle); Effective March 1, 2020, the fees/rate for Commercial Water service within the City shall be a base fee/rate in the amount of \$32.00 per month (or applicable billing cycle), together with an additional fee/rate of \$7.62 per every 1,000 gallons of water used during each said month (or applicable billing cycle)

**Christianson made a motion to approve Resolution 2020-02 Water Rate Increase, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

15. Payroll – Salinas handed exhibit of payroll for 02-02-2020 for their review and consideration.

**Sundhagen made a motion to approve payroll for 02-07-2020, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

16. Financials - Salinas handed exhibit to Commission Board of City of Tioga Financials for December 2019 for their review and consideration.

**Bugbee made a motion to approve Balance Sheet for January 2020, second by Sundhagen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

**Sundhagen made a motion to approve Fund Summary for January 2020, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen**

**With no further business, the meeting of the Tioga City Commission was adjourned by unanimous vote moved by Bugbee, second by Weflen at 7:59 p.m. call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

The next meeting of the City of Tioga Commission Meeting is scheduled for Monday March 3, 2020 at 7:00 p.m., to be held at the Tioga City Hall.

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Drake McClelland, City Commission President

ATTEST:

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Abby Salinas, City Auditor