

**CITY OF TIOGA**  
City Commission Meeting Minutes  
March 4, 2024  
<https://youtu.be/Rt05iRXkixM>

A meeting of the City Commission of the City of Tioga was called to order at 7:00 pm on March 4, 2024, at the Tioga City Hall, by the City Commission President Kevin Litten.

**Present:** Kevin Litten, Tim Christianson, Jessica Sandberg, Elizabeth Pendlay, Abby Salinas  
**Absent:** Shawn Travis, Larry Maize  
**Guest:** Judy Odegaard, Dan Larson, Joshua Nelson, Joel Shaffett, Wendy Lenzen, Ricki Raan, Scott Grosche, Barry Ramberg, Dennis Rehak, Rhonda Rehak, Chuck Stewart, Jodie Sagaser, Chelsy Weisz, Nicolas Oster, Todd Beasley

**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.

**Minutes:** Salinas handed exhibit of minutes from February 20, 2024, Public Hearing and February 20, 2024, Commission Meeting to Commission Board for their review and consideration.

**Christianson made a motion to approve the Commission Minutes of February 20, 2024, Public Hearing and February 20, 2024, Commission Meeting, with no errors and omissions, second by Sandberg. Roll Call: Ayes; Christianson, Sandberg**

**Commissioner's Report:**

Christianson: Advised Commission Board that there was a water leak on the playground and it will be temporary repaired until construction this summer he also advised Commission Board that the Police Department is assisting with an investigation of a fire hydrant that was run over.  
Travis: Absent  
Sandberg: None.  
Maize: Absent  
Litten: Advised Commission Board there will be no Commission Meeting on March 18, 2024, at 7pm due to staff in training.

**Modifications/Approval of Agenda:**

**Christianson made a motion to add to the agenda under new business #14 Estimate for Parts at Lift Station and #15 Estimate for Heaters in the Maintenance Buildings, #16 Estimate for Pressure Washer, then approve the agenda with the changes made, second by Sandberg. Call: Ayes; Christianson, Sandberg**

**Old Business:**

1. Legal – Pendlay – Advised Commission Board of projects she is currently working on with the City to include some changes in 2 Ordinances, a Resolution, Williams County Jail Contract, Community Center Conclusion, Quote for abstracts and handed exhibit to Commission Board for their review and consideration of Contract between Pendlay Law Offices and the City of Tioga.  
**Sandberg made a motion to approve the signing of the contract with Pendlay Law Offices, Second by Christianson Call: Ayes; Christianson, Sandberg**
2. Economic Development Director Update – Salinas advised Commission Board that due to shortage of staff Wagner has been assisting in ensuring that City Hall is not falling behind but has still been meeting with local businesses and completing trainings.

**New Business:**

3. Ordinance 2024-01 Update Chapter 20 Trees 2<sup>nd</sup> Reading – Salinas handed exhibit to Commission Board for their review and consideration of Ordinance 2024-01 Update Chapter 20 Trees. AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 20 (“TREES”), OF THE CITY OF TIOGA ORDINANCES; AN ORDINANCE GOVERNING TREES BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TIOGA, NORTH DAKOTA, AS FOLLOWS: CHAPTER TWENTY TREES ARTICLE 1 – TREES 20.0103 Authority and Jurisdiction of the City Forester The authority and jurisdiction of the City Forester shall be as follows: The City Forester shall have the authority and jurisdiction, through the Board, to regulate the planting, maintenance, protection, and removal of all trees on streets and other public places to ensure safety or preserve the esthetics of such streets and public places. The City Forester shall have the authority to make known, with the approval of the Tree Committee, the rules and regulations of the Arboricultural Specifications and Standards of Practice governing the planting, maintenance, protection, and removal of trees as specified on the streets and public areas of the City of Tioga. The City Forester shall have the authority to supervise all work done under any permit, issued in accord with the terms of this ordinance. Before any person may plant a tree in any boulevard, public way, he shall obtain prior authorization or permit from the City of Tioga Community Service Director. The Types of trees that can be planted and the location for the trees shall be determined by the City of Tioga in accordance with the standards established by the city Commission following the guidelines of the NDSU, North Dakota State Forest Service recommended trees for North Dakota Communities. Trees shall be planted on the center line between the curb line at the front edge of the sidewalk. Where the sidewalk does not exist, a five (5) foot allowance will be made along the property line to accommodate future sidewalk construction. In no case shall a tree be planted within three (3) feet of the curb line. All trees planted hereafter on the boulevard of the City shall be planted by and at the expense of the owner abutting lands thereon. Such trees not planted or provided for under 20.0103.4 will be removed at owner’s expense.

**Sandberg made a motion to approve the reading of Ordinance 2024-01 Update Chapter 20 Trees 2<sup>nd</sup> Reading, second by Christianson. Call: Ayes; Christianson, Sandberg**

4. Ordinance 2024-02 Update Chapter 10 Animal and Fowl 2<sup>nd</sup> Reading – Salinas handed exhibit to Commission Board for their review and consideration of Ordinance 2024-02 Update Chapter 10 Animal and Fowl. AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 10 (“ANIMAL AND FOWL”), OF THE CITY OF TIOGA ORDINANCES; AN ORDINANCE GOVERNING ANIMALS AND FOWLS BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TIOGA, NORTH DAKOTA, AS FOLLOWS: CHAPTER TEN ANIMAL AND FOWL ARTICLE 1 – DOGS AND CATS 10.0102 Raising and Keeping of Animals Generally It shall be unlawful to keep any live animal within the city limits except as described in this article. The following animals may be kept within the city limits of Tioga. Domestic dogs and cats, pursuant to the provisions of this chapter. Common indoor pets, such as aquarium fish, nonpoisonous reptiles and amphibians, and other common indoor pets and animals such as hamsters, mice, birds, which animals shall remain indoors at the owner's residence or business, and up to two (2) pet rabbits and their offspring until the offspring are not dependent upon the mature animal for survival, which rabbits may be kept in an outdoor hutch and pen which is sanitary and kept odor free. A horse, mule, jackass, goat, or other animal kept as a family pet may be kept within the following zoning districts: Agricultural, provided there is a minimum of one (1) acre available for the first four (4) animal units, and no more than one (1) additional animal unit per acre of land over five (5) acres. The City Commission, by resolution, may allow temporary or seasonal keeping of animals or livestock when the city commission determines that it is in the best interests of the City to allow such keeping of animals within the City limits for a seasonal or temporary duration not to exceed six (6) months. The City Commission may, by resolution, after notice to property owners within one hundred fifty (150) feet of the applicant's property and after public hearing, allow the use of Agricultural (A) property for livestock purposes on such conditions as the commission deems appropriate. It must be stated in the resolution that such use is of lower priority and may be terminated by the commission at any time, and the commission shall terminate such use if any problem with health, safety, odor, or noise develops regardless of the

fact that adjacent or surrounding development moves to an area where such use is being allowed. Any animal for exhibition or display purposes such as fairs, circuses, animal displays, or special exhibitions, which displays or exhibitions do not exceed seven (7) days annually, including the use of horses or other trained animals in parades. Permitted fowl shall mean chickens, (roosters shall not be allowed) ducks, doves, pigeons or quails are permitted pursuant to this section. An individual may maintain, keep or house permitted fowl for nonindustrial, non-commercial purposes within the City limits in Residential Zones r-1, R-2a, MHD and R-2M only, subject to the following limitations and conditions: The individual has obtained letters and provided the City from all owners of real property located within fifty (50) feet of the exterior real property boundary line of the property where such permitted fowl will be maintained, kept or housed. The individual has applied for and obtained a permit from the Community Service Director, or the Director's designee for the permitted fowl. In his/her determination of whether to issue a permit, the Director or designee shall consider the impact of noise, odor, sanitation and the public health, safety and welfare upon neighboring properties, the neighborhood and the City. The total number permitted fowl that may be maintained, kept, or housed at any one location shall not exceed eight (8). A permit issued in accordance with this section shall expire on December 31 of the year in which such permit is issued and may be bi-annually (every other year) renewed provided the requirements of limitations and conditions set forth in this section are satisfied, The Director or designee may revoke or suspend any permit issued under this article when it is determined that any of the requirements, limitations or conditions for issuance of a permit are no longer complied with or it is determined the maintain of permitted fowl has become a public nuisance as described in section 10.0205. Except otherwise provided in this article, any person who owns or keeps at any time within the limits of the City any unauthorized fowl of any kind shall be deemed guilty of maintaining a public nuisance of such fowl is not removed from the City limits within ten (ten) days after notice. Each day's continuance of such nuisance shall be a separate offense. 10.0205 Nuisance - When and Penalties 1. The animals exhibiting the following behavior shall be considered a nuisance: a. Excessive, continuous, or untimely barking, howling, braying, crowing or other sounds common to its species; or by reason of failure of the owner to maintain all structures, pens, coops, or yards wherein any animal or fowl is kept, in a clean and sanitary condition devoid of rodents and vermin, and free from all objectionable odors b. Molesting passersby c. Chasing vehicles d. Habitually attacking other domestic animals e. Trespassing upon school grounds or trespassing upon private property f. Damaging property by a dog or cat is hereby declared to be a nuisance g. Not having a valid license and collar h. Dog or Cat Droppings in private or public places 2. The owner of a dog, cat, fowl, or any other pet mentioned in this chapter that is in violation of this section may be cited for an infraction, upon receipt of a signed complaint or if the violation was on view of an animal warden and/or police officer. The penalties for such violation are as follows: a. First Offense: a fifty-dollar (\$50.00) fine; b. Second Offense: a one hundred dollars (\$100.00) fine; c. Third Offense: one hundred fifty dollars (\$150.00) fine; d. Fourth Offense: Said animal shall be forfeited to the City and shall be entered in an adoption program (if applicable) or humanely destroyed.

**Christianson made a motion to approve the reading of Ordinance 2024-02 Update Chapter 10 Animal and Fowl 2<sup>nd</sup> Reading, second by Sandberg. Call: Ayes; Christianson, Sandberg**

5. Resolution 2024-03 HESS Annexation – Salinas handed exhibit to Commission Board for their review and consideration of Resolution 2024-03 HESS Annexation. Resolution: #2024-03 Date: March 4, 2024 BE IT RESOLVED, by the City Commission of the City of Tioga, Williams County, North Dakota: It is the desire of the City of Tioga, pursuant to Section 40-51.02-03 to annex in the city limits of the City of Tioga to extend municipal government to areas which form a part of the whole community, to encourage natural and well-ordered development of municipalities of the state, and to recognize the interrelationship and interdependence between a municipal corporation and areas contiguous or adjacent thereto. The proposed area for annexation is: THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 23; THE WEST HALF OF NORTHEAST QUARTER OF SECTION 26; THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, EXCEPT SUBLLOT 7 OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; SUBLLOT 1 OF THE WEST HALF OF THE SOUTHEAST QUARTER

OF SECTION 26; ALL LOCATED IN TOWNSHIP 157 NORTH, RANGE 95 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WILLIAMS COUNTY, NORTH DAKOTA. CONTAINING 186.46 ACRES, MORE OR LESS.

Pursuant to the Regulations for Annexations of North Dakota Century Code a public hearing shall be scheduled for April 1, 2024 at 6pm at Tioga Commission Hall 16 1st Street (on Welo side), Tioga, ND 58852 at which time any and all landowners shall have the right to protest and or agree to the annexation. Discussions held.

**Sandberg made a motion to approve Resolution 2024-03 HESS Annexation, second by Christianson.**

**Call: Ayes; Christianson, Sandberg**

6. Williams County Jail Contract – Police Chief Josh Nelson – Handed exhibit to Commission Board for heir review and consideration of Williams County Jail Contract and stated that Pendlay has reviewed and changes were made.

**Sandberg made a motion to approve signing the contract with Williams County Jail, second by Christianson. Call: Ayes; Christianson, Sandberg**

7. 1% County Grant Application - Police Chief Josh Nelson – Handed exhibit to Commission Board for their review and consideration of 1% County Grant Application for a new training station and gun range. Discussion held.

**Christianson made a motion to approve the development of land where the Police Impound lot is currently located subject to the approval of the 1% grant application and approval of the submittal of the 1% County Grant Application for a new training site and gun range, second by Sandberg. Call: Ayes; Christianson, Sandberg**

8. Estimate for Signage for Community Center – Salinas handed exhibit to Commission Board for their review and consideration for outdoor signage from Indigo Signs in the amount of \$92,995.

**Christianson made a motion to table this approval until further review, second by Sandberg. Call: Ayes; Christianson, Sandberg**

9. Remaining of Streets – Community Service Director Dan Larson – Handed exhibit to Commission Board for their review and consideration of a letter from the Airport Board requesting the name changes of streets due to being in the ETA of Tioga. Discussions held.

**Christianson made a motion to approve the renaming of streets by Airport contingent on approval from County Staff that Tioga is following appropriate procedures, second by Sandberg. Call: Ayes; Christianson, Sandberg**

10. Gaming Site Authorization – Salinas handed exhibit to Commission Board for their review and consideration of a gaming site authorization application from American Legion Post 139 at location of Madhouse, LLC for bingo, Pull tab dispenser device, electronic pull tab device and paddlewheel with tickets.

**Christianson made a motion to approve a gaming site authorization application from American Legion Post 139 at location of Madhouse, LLC for bingo, Pull tab dispenser device, electronic pull tab device and paddlewheel with tickets, second by Sandberg. Call: Ayes; Christianson, Sandberg**

11. Estimate for Vehicles for Street/Water/P&Z Departments – Salinas handed exhibits to the Commission Board for their review and consideration of estimate from Redrock Ford for a vehicle for the Community Service Director in the amount of \$16,498.50 (this is with a trade-in) and an estimate from Chevrolet of Mandan for a vehicle for the Street/Water Department in the amount of \$52,050 (this is with a trade-in).

**Sandberg made a motion to approve the estimate from Redrock Ford for a vehicle for the Community Service Director in the amount of \$16,498.50 (this is with a trade-in) and an estimate from Chevrolet of Mandan for a vehicle for the Street/Water Department in the amount of \$52,050 (this is with a trade-in) and purchase these vehicles, second by Christianson. Call: Ayes; Christianson, Sandberg**

12. Estimate for Fence Fix at Dog Park – Salinas handed exhibit to Commission Board for their review and consideration of an estimate from Dakota Fence in the amount of \$3,382 to fix the fence at the Tioga Dog Park.

**Christianson made a motion to approve the estimate from Dakota Fence in the amount of \$3,382 to fix the fence at the Tioga Dog Park, second by Sandberg. Call: Ayes; Christianson, Sandberg**

13. Parceling out Lots for Housing – Salinas handed exhibit to Commission Board for their review and consideration of parcel of property owned by the City of Tioga and is seeking permission to have engineer parcel property out for future lots to become homes.

**Christianson made a motion to approve having Moore Engineer parcel property located in Annabelle to be parceled out for future housing and to get abstracts done for lots behind Kum and Go, second by Sandberg. Call: Ayes; Christianson, Sandberg**

14. Estimate for Parts at Sewer Plant – Salinas handed exhibit to Commission Board for their review and consideration of an estimate from Newterra in the amount of \$2,352 for parts at the Sewer Plant.

**Sandberg made a motion to approve the estimate from Newterra in the amount of \$2,352 for parts at the Sewer Plant, second by Christianson. Call: Ayes; Christianson, Sandberg**

15. Estimate for Heaters at the Maintenance Facilities – Salinas handed an exhibit to the Commission Board for their review and consideration of an estimate from Enthalpy in the amount of \$7,220 for 2 new heaters at the Street and Water Maintenance Facilities.

**Sandberg made a motion to approve an estimate from Enthalpy in the amount of \$7,220 for 2 new heaters at the Street and Water Maintenance Facilities, second by Christianson. Call: Ayes; Christianson, Sandberg**

16. Estimate for Pressure Washer – Salinas handed an estimate to the Commission Board for their review and consideration from Northern Tools for new pressure washer in the amount of \$3,999.99, Street Superintendent Odegaard stated that this is used to clean all the heavy equipment and the old pressure washer is no longer working and can't be fixed at a lower cost.

**Christianson made a motion to approve the estimate from Northern Tools for a new pressure washer in the amount of \$3,999.99, second by Sandberg. Call: Ayes; Christianson, Sandberg**

**Consent Approval:**

17. Payroll for February 22, 2024– Salinas handed exhibit to Commission Board for their review and approval of payroll for February 22, 2024.

18. Bills for February 2024 – Salinas handed exhibit to Commission Board for their review and consideration of Bills for 2024.

**Christianson made a motion to approve the consent agenda that consists of Payroll for February 22, 2024, and Bills for 2024, second by Sandberg. Call: Ayes; Christianson, Sandberg**

**With no further business, the meeting of the Tioga City Commission was adjourned by unanimous vote moved by Christianson, second by Sandberg at 8:02 p.m. call: Ayes; Christianson, Sandberg.**

The next meeting of the City of Tioga Commission Meeting is scheduled for Monday April 1, 2024, at 7:00 p.m., to be held at the Tioga City Hall.

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Kevin Litten, Tioga Commission President

ATTEST:

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Abby Salinas, Tioga City Administrator/Auditor