

CITY OF TIOGA
City Commission Meeting Minutes
July 20, 2020

A meeting of the City Commission of the City of Tioga was called to order by Zoom at 7:01 pm on July 20, 2020, at the Tioga City Hall, by the City Commissioner Drake McClelland.

PRESENT: Drake McClelland, Tim Christianson, Natalie Bugbee, Tim Sundhagen (late 7:20pm), Elizabeth Pendlay and Abby Salinas
ABSENT: Larry Maize
GUEST: Jacob Orledge, Josh Reiner, Rachelle Williams, Brent Lohnes, Dan Larson, Matt Lierz, Scott Bertch, Ben Lauf

Bugbee made a motion to approve the Commission Minutes of July 6, 2020 Regular Meeting, second by Christianson. Roll Call: Ayes; Christianson, Bugbee

Commissioners Reports:

Bugbee: Advised Commission Board that the Community Center has been partially re-opened
Christianson: None
Maize: Absent
Sundhagen: Late
McClelland: None

Modifications/Approval of Agenda:

Christianson made a motion to approve agenda as is with no modifications, second by Bugbee. Call: Ayes; Christianson, Bugbee

Old Business:

1. Legal – Elizabeth Pendlay – Advised the Commission Board that she has been working with Larson on a nuisance property on 314 Gilbert Street and will need a Public Hearing set August 3, 2020 at 5:30pm and will ensure that all proper notices are sent according to North Dakota Century Code in order to ensure that the City enters the property correctly to clean up the nuisance. If owner of the property abates before Public Hearing then the City will withdraw Public Hearing. Discussions held.
Christianson made a motion to set a public hearing for August 3, 2020 at 5:30pm for nuisance on property 314 Gilbert Street, Tioga, ND 58852, second by Sundhagen. Call: Ayes; Christianson, Bugbee, Sundhagen
2. Moore Engineering: Josh Reiner – Advised Commission Board of updates on the NE Reconstruction and handed exhibit to Commission Board of field order #2 for change to add additional parking spaces as requested by the First Baptist Church of Tioga, their Board has agreed to pay the additional amount for the change of \$13,600 which will be added to the project of the NE Reconstruction. Reiner advised Commission Board of progress on Simons Addition Project Phase II and handed exhibit of substantial completion and punch list items with Moore Engineering recommendations.
Bugbee made a motion to approve substantial completion from CC Steele with changes to extended warranty and televising sewer system, second by Christianson. Call: Ayes; Christianson, Bugbee, Sundhagen
Reiner also advised the Commission Board of 509 Willard Blvd, TAP 2018 Project, estimate of cost to fix the sidewalk by the Water Tower, not cutting 2nd Street where construction was previously completed and he also stated that he will be presenting the Engineering scope and agreement for the TAP 2019 Project for their review and consideration at next meeting.

3. FCI Construction- Matt Lierz – Advised the Commission Board of the status for the Police Station and Museum construction. Bertsch handed pay application #13 from FCI in the amount of \$47,567.45 for the work done in up to June 30, 2020 on the Police Station.

Sundhagen made a motion to approve Pay Application #13 from FCI Construction in the amount of \$47,567.45 for the work done up to June 30, 2020 at the New Police Station, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen

Handed exhibit of pay application #12 from FCI in the amount of \$17,027.15 for the work done up to June 30, 2020 on the Museum.

Sundhagen made a motion to approve Pay Application #12 from FCI Construction in the amount of \$17,027.15 for the work done up to June 30, 2020 at the New Museum, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen.

4. Ordinance 2020-05 Infrastructure Sales Tax Continuance 2nd Reading – ORDINANCE NO. 2020-05 AN ORDINANCE TO ESTABLISH AND REGULATE A CITY SALES, USE, AND GROSS RECEIPTS TAX UNDER THE HOME RULE CHARTER OF THE CITY OF TIOGA. BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TIOGA, WILLIAMS COUNTY, NORTH DAKOTA: SALES, USE, AND GROSS RECEIPTS TAX Definitions. All terms defined in chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2 of the North Dakota Century Code (N.D.C.C.), including any future amendments, are adopted by reference. All references to the N.D.C.C. include amendments adopted by the North Dakota Legislative Assembly. Note: In order to include the language “including any future amendments”, the city’s home rule charter would need to allow for this. Collection and Administration. Where not in conflict with the provisions of this Ordinance, the provisions of N.D.C.C. chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2, and all administrative rules adopted by the Tax Commissioner, pertaining to the collection and administration of the retail sales, use, and gross receipts tax, including provisions for liability, refund, penalty, interest or credit, govern the administration by the North Dakota Office of State Tax Commissioner (hereinafter “Tax Commissioner”) of the taxes imposed by this Ordinance. Sales Tax Imposed. Subject to the provisions of N.D.C.C. § 40-05.1-06, and except as otherwise provided by this Ordinance, or the sales and use tax laws of the State of North Dakota, a tax of 1 percent is imposed upon the gross receipts of retailers from all sales at retail, including the leasing or renting of tangible personal property, within the corporate limits of the of the city of Tioga, North Dakota. Use Tax Imposed. Subject to the provisions of N.D.C.C. § 40-05.1-06, and except as otherwise provided in this Ordinance, or the sales and use tax laws of the State of North Dakota, an excise tax is imposed upon the storage, use, or consumption within the corporate limits of the city of Tioga, North Dakota of tangible personal property purchased at retail for storage, use, or consumption in this city, at the rate of 1 percent of the purchase price of the property. An excise tax is imposed on the storage, use, or consumption within the corporate limits of the city of Tioga, North Dakota of tangible personal property not originally purchased for storage, use, or consumption in this city at the rate of 1 percent of the fair market value of the property at the time it was brought into this City. With respect to the purchase price of tangible personal property used by a contractor or subcontractor to fulfill a contract as defined in N.D.C.C. § 57-40.2-03.3, the tax imposed by this section applies only to bids submitted on or after the effective date of this Ordinance. Gross Receipts of Alcoholic Beverages. Subject to the provisions of N.D.C.C. § 40-05.1-06, and except as otherwise provided in this Ordinance, a gross receipts tax of 1 percent is imposed upon all gross receipts from the sale of alcoholic beverages within the city. A person who receives alcoholic beverages for storage, use, or consumption in this state is subject to tax on storage, use, or consumption of those alcoholic beverages at the rate of 1 percent. Gross Receipts of New Farm Machinery and New Farm Irrigation Equipment. Subject to the provisions of N.D.C.C. § 40-05.1-06, and except as otherwise provided in this Ordinance, a gross receipts tax of 1 percent is imposed upon all gross receipts from the sale of new farm machinery and new farm irrigation equipment within the city. A person who receives new farm machinery or new farm irrigation equipment for storage, use, or consumption in this state is subject to tax on storage, use, or consumption of that machinery and/or equipment at the rate of 1 percent. Exemptions. This Ordinance does not provide for any additional exemptions from imposition and computation of the

city sales and use tax other than those provided by state law. Sales to contractors that are exempt pursuant to subsection 15 of N.D.C.C. § 57-39.2-04 shall be exempt from any city sales tax, but contractors shall be subject to the city use tax on those items used within the city that would be taxed pursuant to N.D.C.C. § 57-40.2-03.3 on which the city sales tax has not previously been paid. Contract with Tax Commissioner. The Tioga City Auditor is hereby authorized to contract with the Tax Commissioner for administration and collection of taxes imposed by this Ordinance. The City Auditor has all powers granted to the Tax Commissioner and in the absence of a valid contract with the Tax Commissioner or failure of the Tax Commissioner to perform the delegated duties, shall perform these duties in place of the Tax Commissioner. Dedication of Tax Proceeds 1 percent of all revenues collected under this ordinance shall be dedicated to a special fund for infrastructure purposes. Effective Date. This Ordinance shall take effect after its passage, approval, and publication, but not prior to December 31, 2020.

Sundhagen made a motion to accept the 2nd Reading of Ordinance 2020-05 Infrastructure Sales Tax Continuance, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen

New Business:

Consent Approval:

5. Planning and Zoning Application from HESS
6. Payroll 07-07-2020
7. Financials for June 2020

Salinas handed exhibits to Commission Board of Pledge Holdings as of 06-15-2020 and Pledge Holdings as of 06-16-2020, Special Liquor License Application from Model Tavern for event at Community Center on August 22, 2020, Local Charity Permit Application for Tioga Golf and Country Club raffles until August 6, 2020, Payroll 06-22-2020, Bills for June 2020 for their review and approval.

Bugbee made a motion to approve Pledge Holdings as of 06-15-2020 and Pledge Holdings as of 06-16-2020, Special Liquor License Application from Model Tavern for event at Community Center on August 22, 2020, Local Charity Permit Application for Tioga Golf and Country Club raffles until August 6, 2020, Payroll 06-22-2020, Bills for June 2020, second by Sundhagen. Call: Ayes; Christianson, Bugbee, Sundhagen, Maize

With no further business, the meeting of the Tioga City Commission was adjourned by unanimous vote moved by Bugbee, second by Sundhagen at 9:31p.m. call: Ayes; Christianson, Bugbee, Sundhagen, Maize, McClelland

The next meeting of the City of Tioga Commission Meeting is scheduled for Monday August 3, 2020 at 5:30 p.m., to be held at the Tioga City Hall.

Drake McClelland, City Commission President

ATTEST:

Abby Salinas, City Auditor