

**CITY OF TIOGA**  
City Commission Meeting Minutes  
November 5, 2018

A meeting of the City Commission of the City of Tioga was called to order at 7:00 pm on November 5, 2018, at the Tioga City Hall, by President of the City Commission Drake McClelland.

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

ABSENT: None

GUEST: Dan Larson, Jacob Orledge, Austin Alexander, Stephanie Nygaard, Monique Lopez, Susan Anderson, Ronica Pederson, Aaron Hooyer, Claudia Tande, Lyle Tande, Corinne Coughlin, Jackie Scherr, Tim Coughlin, Linda Meyer, Deb Iverson, Helen Olson, Rodger Olson, Becky Longie, Deb McClelland, Steve Eberle, Austin Alexander, Jimmy Aguirre, June Brostuen, Dana Pederson, Henry Rieniets, Doneen Larson, Corey Murphy, Angie McIntee, Jack Seibel, Connie Seibel

**Sundhagen made a motion to approve the minutes of October 18, 2018 Special Meeting, second by Christianson. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

**Bugbee made a motion to approve the minutes of October 15, 2018, second by Sundhagen. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

**Commissioners Reports:**

Christianson: Advised Commission Board that interview was conducted for the open position in the Water Department and would like to extend an offer of employment to start November 16, 2018 after background check is completed.

**Christianson made a motion to proceed with background check and offer of employment for Robert Logue effective November 16, 2018, second by Bugbee. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

Christianson also advised that Dakota Pump and Sewage will be out to clean lift station to get it ready for inspection. The Lights at the lift station are still not installed.

Bugbee: Advised Commission Board that currently time sheets are due on the 1st and 16<sup>th</sup> of every month and actual pay dates are the 5<sup>th</sup> and 20<sup>th</sup>, due to holidays and weekends in 2019 the Finance Department is asking to change the pay dates up to the 7<sup>th</sup> and 22<sup>nd</sup> of each month, that will allow extra processing time for weekends and holidays. City Attorney Pendlay states Salinas will create a Resolution to ensure it is in writing of a change in policy.

**Bugbee made a motion to have to amend policy in Employee Handbook to allow extra processing time to pay employee no later then the 7<sup>th</sup> and 22<sup>nd</sup> of each month, second by Christianson. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

Bugbee advised Commission Board that a Tioga Citizen would like to speak to City Commission Board regarding what is being placed in the newspaper. The floor was handed over to Claudia Tande. Mrs. Tande states that the Citizens of Tioga and herself are concerned on what is being placed in the newspaper. Tande read a speech and asked questions of Commission Board to receive further information in regard to what was placed in the newspaper, she stated that making false accusations regarding people can hurt them and the City can only heal if everyone works towards the betterment of the City.

Weflen: Handed Commission Board exhibit of cost for 6 new tires for old City Grader in the amount of \$8,000.00

**Weflen made a motion to have to purchase new tires for City Grader in the amount not to exceed of \$8,000, second by Christianson. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

Weflen also continued with conversation from previous Commission Meeting regarding the purchase of a new City Grader and advised Commission Board that there is also a leasing option that would be more cost effective for now. Weflen handed exhibit of lease options to Commission Board. Discussions held.

**Weflen made a motion to sign a 2-year lease agreement, option 4, for a grader with the option to purchase at a future date in the amount of \$33,584 to be paid yearly instead of monthly, second by Bugbee. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

**Weflen made a motion to purchase a snow gate pending the pricing, second by Bugbee. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

McClelland: Advised Commission Board that there is a copper line by the pool that runs to the Community Center needing to be capped.

**Christianson made a motion to have the water department cap the line, second by Bugbee. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

McClelland advised Commission Board that City services usually closed half day on November 21, December 24 and December 31 and needs to be preapproved.

**Christianson made a motion to close City services on November 21, December 24 and December 31 for half day, second by Bugbee. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

Drake advised that the employee holiday party needs to be authorized, discussions held.

**Weflen made a motion to approve the holiday party not to exceed the amount of \$8,000, second by Bugbee. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

Sundhagen: Advised Commission Board that he is calling an executive session to discuss Public employee personnel records

**Sundhagen made a motion to go into Executive Session at 8:29 to consult with Attorney on Public employee personnel, medical, and employee assistance records - Confidentiality - Personal information maintained by state entities - Exempt NDCC 44-04-18.1, second by Weflen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

**Sundhagen made a motion at 8:35pm to Reopened regular Commission Meeting, second by Weflen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**  
McClelland advised public no actions taken.

#### **Modifications/Approval of Agenda:**

**Weflen made a motion to approve the agenda for 09-04-2018 as is, second by Sundhagen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

#### **Old Business:**

1. Legal: Elizabeth Pendlay – Advised Commission Board that the Graham contract for the new Police Department is not complete. Other information Pendlay is currently working on the MDU contract, PD Policy, Library Policies and Procedures.
2. Ackerman-Estvold: Steve Eberle – Informed Commission Board of the status for warranty work on Annabelle, NDDOT 2018, NDDOT 2019. Eberle asked Commission Board if they were ready to proceed with plans for Simons Addition phase 2 and 3

**Bugbee made a motion to table discussions for Simons addition until further notice, second by Weflen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

Eberle also updated on the TAP Program for 2020 CWSRF, Tioga Spec Book, As-Builts for lift station and Simons being delivered by end of week, Planning and Zoning and the FEMA Flood Plain Zone, Eberle asked permission to assist Dan Larson and the City with the new lines.

**Weflen made a motion to approve Ackerman-Estvold to work with Larson on the FEMA Flood Plain Zone, second by Sundhagen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

3. Graham Construction- Austin Rollag - Advised Commission Board of progress being made at the Community Center, discussions held.
4. Ordinance 2018-04 Assess Utility Bills 2<sup>nd</sup> Reading- Salinas handed exhibit of Ordinance 2018-04 Assess Utility Bills to Commission Board for 2<sup>nd</sup> reading. **ORDINANCE NO. 2018-04 AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 6 AND CHAPTER 9, ARTICLE 3 OF THE CITY OF TIOGA ORDINANCES; AN ORDINANCE AUTHORIZING FOR THE COLLECTION AND ASSESSMENT OF DELINQUENT UTILITY BILLS FOR WATER AND SEWER SERVICE AND FOR THE COLLECTION AND ASSESSMENT OF GARBAGE AND RUBBISH DISPOSAL FEES AND SERVICE. BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TIOGA, NORTH DAKOTA, AS FOLLOWS: RATES AND CHARGES – LIABILITY FOR** The record owner of any premises where water or sewer service or garbage/rubbish service is supplied shall be deemed to be responsible for any delinquency or bills attributable to or given in favor of such premises, irrespective of whether said record owner shall occupy or inhabit the said premises. Owners of premises where water or sewer service or garbage/rubbish service is supplied shall notify the City Auditor's office in case any tenant moves from said premises, prior to such moving. In case said tenant moves from said premises to other premises in the city, and is therefore eligible to be supplied with water or sewer service or garbage/rubbish service, he shall be liable for the water or sewer service or garbage/rubbish service used at his former residence up to the time of moving, and the City in conjunction with the water department or other applicable department with the City shall take such measures to enforce the collection of such bills, as are provided for in the case of non-payment of other bills. In case said tenant moves away from said city or moves to some place within said city where he is not directly supplied by said such services through the City and refuses or neglects to pay said bills within fifteen (15) days after notice thereof, then and in that event the owner of the property for which said bill was rendered shall be liable for said bill, and the City shall take such measures to enforce connection of such bill, as are provided for in the case of non-payment of other bills, as described herein. The owner or owners of all real property in the city furnished water or sewer service or garbage/rubbish service or service line repairs/street cuts shall be responsible for the payment of any and all such charges, regardless of who the occupant or tenant may be. On request of the owner or owners the Water Superintendent or City Auditor will bill the occupant for such charges, but if such charges are not paid when due by the occupant or tenant, the owner or owners shall be responsible for such charges and they shall be assessed to the property served. It shall be the duty of the city auditor to certify to the county auditor such unpaid water or sewer service or garbage/rubbish service bills or service charges that are unpaid in the same manner and at the same time as other assessments are certified, and they shall be assessed and collected in the same manner. Policies for the Payment of Delinquent Utility Bills and for the Establishment of Delinquency Penalties, Disconnection and Reconnection Fees WHEREAS, The City Commission of the City of Tioga, North Dakota, declares it to be in the public interest to establish a policy regarding the payment of delinquent utility bills and for the establishment of delinquency penalties, disconnection and reconnection fees. NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Tioga, North Dakota, that the City of Tioga hereby enacts the following policy with regard to the payment of municipal utilities. Any consumer of municipal utilities whose bill(s) shall remain unpaid after the 30th day of each month, shall then have a penalty added to said bill (an amount equal to 1.75 percent of the total utility bill). The City of Tioga shall send notice to on the 1st day of the following month to the consumer of said utilities and to the owner/landlord, where applicable, of the property to which utility services are provided, that a delinquency has occurred. Any consumer of municipal utilities whose bill(s) remains unpaid at 10:00 a.m. on the 10th day of the 2nd month of unpaid services shall have all municipal services provided under said billing(s) discontinued or disconnected. Any consumer of municipal utilities whose service has been disconnected or discontinued under the provisions of the preceding paragraph, shall not have the service reconnected or recommenced until all amounts due, for services rendered prior to and including the date of disconnect, plus applicable penalties, and the reconnection charge of \$80 have been paid in full. If the utility consumer is a tenant, the property owner/landlord will be sent a copy of the tenant's notice of Delinquency, at the time said Notice is

sent to the consumer, with notification of the date services will be disconnected. If the tenant fails to make the specified payment as of the disconnect date, said owner/landlord will be responsible for payment of the utilities by that date.

**Sundhagen made a motion to approve the 2nd reading of Ordinance 2018-04 Assess City Utilities, second by Christianson. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

**New Business:**

5. MDU Agreement – Salinas handed exhibit of MDU agreement for street light replacement to LED in 2019 along with a presentation. City Attorney Pendlay has reviewed agreement and has no changes.

**Sundhagen made a motion to approve signing the agreement with MDU for the replacement of the current lights to LED in 2019, second by Christianson. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

6. Ordinance 2018-03 Annexation of City Lagoons 1st Reading - **ORDINANCE NO. 2018-03 AN ORDINANCE RELATING TO THE ANNEXATION OF REAL PROPERTY PRESENTLY LOCATED OUTSIDE THE CORPORATE BOUNDARIES OF THE CITY OF TIOGA BE IT ORDAINED BY THE BOARD OF THE CITY COMMISSIONERS OF THE CITY OF TIOGA, NORTH DAKOTA:**

The City Commission of the City of Tioga, North Dakota, pursuant to Chapter 40-51.2 of the North Dakota Century Code, states that: All of the owners of the following-described real property have signed a written petition for annexation into the corporate boundaries of the City of Tioga, North Dakota or, have withdrawn, in writing, any protest previously lodged with respect to the same; and All of the below-described real property is lands that are contiguous or adjacent real property which is within the corporate limits of the City of Tioga; The real property is fully described as follows, to-wit: **TOWNSHIP 157 NORTH, RANGE 95 WEST: Section 26:**A Parcel of Land being the North one-half of the Southeast Quarter and the Northeast Quarter of Section 28 lying South of the North Railroad Right of Way Line and the North, 300 feet of the South one-half of the Southeast Quarter and the North 300 feet of the East 320 feet of the Southeast Quarter of the Southwest Quarter of Section 26, Township 157 North, Range 95 West of the Fifth Principal, Williams County, North Dakota described as follows: Beginning at the Southwest Corner of Sublot No. 1 as shown on the Plat filed for record November 16, 1993, Williams County recorder office, Document No. 552363 and running thence along the North Railroad Right of Way Line the following three courses: 1) North 82°10' East, 2350 feet more or less 2) North 7°50' West, 75.00 feet more or less 3) 326.85 feet along the arc of a curve to the right, whose radius is 10931.24 feet and whose central angle is 1°42'47" and whose long chords bears North 83°01'24" East, 326.84 feet more or less to the East Line of said Section 26: Thence South along said East Line of Section 26, 1771 feet more or less to the Southeast Corner of the North, 300 feet of the South one-half of the Southeast Quarter; thence West along the South Line of the said North, 300 feet of the South one-half of the Southeast Quarter, 2960 feet more or less to the Southwest Corner of the North 300 feet of the East 320 feet of the Southeast Quarter of the Southwest Quarter; thence North, 300 feet to the North Line of the Southeast Quarter of the Southwest Quarter and the South line of Nelson Subdivision as shown on the Plat filed September 26, 2017, Williams County recorder office, Document No. 840158; thence South 88°14'26" East, 320 feet more or less to the Southeast Corner of said Nelson Subdivision; thence North 1°47'05" East along the said East Line of the Nelson Subdivision extended, 1039 feet more or less to the point of beginning. Containing 94.9 acres more or less Pursuant to the Regulations for Annexations of North Dakota Century Code a public hearing was scheduled for June 4, 2018 at 6:30pm at which time any and all landowners shall have the right to protest and or agree to the annexation This ordinance shall take effect and be in force from and after final passage, and due publication according to law.

**Sundhagen made a motion to approve the 1st reading of Ordinance 2018-03 Annexation of City Lagoons, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

7. Foreclosure Properties – Salinas handed exhibit to Commission of letter from County Auditor Beth Innis regarding foreclosure properties. Commissioner Weflen states that a residential might be a good option for future employee's that might need housing assistance. Police Chief Corey Murphy states

that he agrees with Weflen in purchasing residential properties because the Police department is looking at the option of purchasing a K9 for the City and they will need space. Discussions held

**Bugbee made a motion to purchase the commercial property on 18 2<sup>nd</sup> Street SE, second by Weflen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

8. Special Liquor License – Salinas handed exhibit to Commission Board of Special Liquor License from Model Tavern for a Christmas Party on December 18, 2018 to be held at Neset Consulting for their review and consideration.

**Bugbee made a motion to approve the Special Liquor License from Model Tavern for Christmas party on December 18, 2018 at Neset Consulting, second by Sundhagen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

9. Visitor Promotion Application – Salinas handed exhibit of Visitor Promotion Application in the amount of 0 from Tioga Library Board for the startup cost of the new Tioga Library. Visitor Promotion Board advised Commission Board that they have reviewed application and recommend approval of \$25,000.

**Sundhagen made a motion to approve the Visitor Promotion Application in the amount of \$25,000.00 from the Tioga Library Board for the startup cost of the new Tioga Library, second by Weflen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

Salinas informed Commission Board that Jamie Eraas resigned from Visitor Promotion Board and handed exhibit of letter of Interest that was submitted for the vacant position of the Visitor Promotion Board from Ronda Davidson to be a new member of the Visitor Promotion Board for their review and consideration.

**Weflen made a motion to accept Jamie Eraas resignation and appoint Ronda Davidson as a member of the Visitor Promotion Board, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

10. Tioga Fund Application – Salinas handed exhibit of Tioga Fund Application in the amount of \$100,000.00 from Tioga Library Board for the startup cost of the new Tioga Library. Tioga Fund Board advised Commission Board that they have reviewed application and recommend approval.

**Weflen made a motion to approve the Tioga Fund Application in the amount of \$100,000.00 from the Tioga Library Board for the startup cost of the new Tioga Library, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

Handed an exhibit of a letter of interest that was submitted for the vacant position of the Tioga Fund Board from Ronica Pederson to be the new member of the Tioga Fund Board. Tioga Fund Board recommends appointment of Ronica Pederson.

**Bugbee made a motion to appoint Ronica Pederson as a member of the Tioga Fund Board, second by Weflen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

11. Payroll - Salinas handed exhibit to Commission Board of payroll for 10-20-2018 for review and consideration.

**Sundhagen made a motion to approve payroll for 10-20-2018, second by Christianson. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

Salinas handed exhibit to Commission Board of payroll for 11-05-2018 for review and consideration.

**Sundhagen made a motion to approve payroll for 11-05-2018, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

**With no further business, the meeting of the Tioga City Commission was adjourned by unanimous vote moved by Sundhagen, second by Weflen at 9:57 p.m. call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland**

The next meeting of the City of Tioga Commission Meeting is scheduled for Monday November 19, 2018 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