Tioga City Commission

January 20, 2014

Minutes

Commissioners Present: Germundson, Spivey, Davidson, McClelland, and Goldade

Commissioners Absent: none

Visitors Present: Shawna Page, Cecile Krimm, Ben Johnson, D.V. Doman, Daren Walker, Dale Keller, Larry Myers, Harlan Engberg, Patina Consentino, Chris Hogman, Mike Munninger, Dutch Nordyke, John Wilson, Mark Black, Todd Jochim, Melissa Koch, Chris Norgaard, Tanya Weflen, and Desiree Hanson.

The regular meeting of the Tioga City Commission was called to order at 7:00 pm by President Germundson at Tioga City Hall.

Goldade made a motion and McClelland seconded to dispense the reading of the January 6, 2014 minutes. Being no errors or omissions the minutes were approved as submitted. All voted aye, motion carried.

Commissioners Reports:

Public Input:

Old Business:

Patina presented final mylars for phase 2 of Annabelle homes plat. McClelland addressed the issue of grade markers and road near dam. Goldade made the motion, McClelland seconded the motion to approve signing of the mylars.

McClelland made a motion to appoint Michael Nobles to the airport authority board. Goldade made a second motion. All voted aye other than Spivey abstained. Motion carried.

New Business:

Dee Doman and representatives from Ecosystems presented information regarding an Ecosystems Wastewater Plant option and asked the committee to consider their proposal. Germundson and Spivey indicated that the city has full confidence in our city engineer and relies on their feedback and encouraged Ecosystems to connect with Harlan Engberg, city engineer to be a part of the bidding process for the wastewater plant options

Norgaard from EDC asked about timing of available office space for Melissa Koch. Rich Zahrajsek explained they are currently looking at the options for space in the building department and gave an estimated time of 4-5 weeks.

Discussion was held on having Northern Testing complete a background check for all new city employees.

Goldade made a motion to approve 1 year renewal of conditional use permit for Hess trailer (currently being used for offices). Spivey made a second motion. All voted aye other than Davidson & McClelland abstained. Motion carried. Davidson made a motion to approve renewal of Wayne Knudson’s conditional use permit for RV/mobile home park north of Hess. Spivey seconded the motion. All voted aye other than Drake abstained. Motion carried.

ARTICLE 7 - Conditional Use Permits

5.0701 Conditional Use Permits

A conditional use permit may be granted following compliance with the procedure set forth in this section if the conditional use is one set forth in the District Regulations, provided that no application for a conditional use shall be granted unless all of the following conditions are found to be present:

1. The conditional use will not be detrimental to or endanger the public health, safety or general welfare;
2. The existing permitted uses in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use;
3. The conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
5. Adequate measures have or will be taken to provide access and exit so designed as to minimize traffic congestion in the public streets; and
6. The conditional use shall conform to all special provisions of the district in which it is located.

APPLICATION PROCESS: Application for Conditional Use Permit shall be submitted by the property owner to the Planning Commission Secretary. The application shall include:

1. The name and address of the applicant.
2. The date of application.
3. A description of the site and its relationship to the surrounding area.
4. A preliminary map showing boundary lines and location of structures to be developed on the site.
5. Location of existing structures on adjacent property.
6. Parking plan showing off-street parking areas and/or loading areas.
7. Names and addresses of adjacent property owners.
8. Any reasonable information the Planning Commission deems necessary.

The Planning Commission Secretary, upon receipt of an application for a conditional use permit shall present the same to the Planning Commission at its next regular or special meeting, at which time a date within the next forty-five (45) days shall be set for the hearing of the proposed conditional use.

The Secretary shall notify the applicant of the date of the hearing and of the applicant’s obligation to give public notice of the hearing.

The Planning Commission Secretary, upon receipt of an application for a conditional use shall fix a reasonable time for a public hearing. Notice of the time, place and subject of the hearing shall be published by the Planning Commission Secretary once in the official newspaper at least ten (10) days prior to the date fixed for the public hearing.

Further, the applicant shall notify by certified mail, return receipt, all persons who are owners of property within 200 feet of the area proposed for the variance. At the time of the hearing, the applicant must provide to the Planning Commission Secretary the return receipts from the notice(s) sent via mail. In the event that the applicant does not have the receipts, then the application may not be acted upon until proper proof of mailing is provided to the Secretary.

Proof of publication of the notice shall be filed with the Secretary, along with proof of mailing prior to the hearing, and shall be maintained as a permanent record of the Planning Commission.

Following the hearing, the Planning Commission shall consider the application and evidence presented and shall render its decision within fifteen (15) days. The Commission shall notify the applicant of its decision and its reasons therefore either by mail or by delivering the decision in writing to the applicant in person.

REVIEW BY CITY COMMISSION: After receiving the decision of the Planning Commission, the City Commission shall hold a public hearing on the request for a conditional use. Notice of the time, place and subject of the hearing shall be published by the City Auditor once in the official newspaper for two successive weeks at least ten (10) days prior to the date fixed for the public hearing.

Further, the applicant shall notify by certified mail, return receipt, all persons who are owners of property within 200 feet of the area proposed for the variance. Prior to the hearing being held, the applicant must provide to the City Auditor the return receipts from the notice(s) sent via mail.

Proof of publication of the notice shall be filed with the City Auditor, along with proof of mailing, if required, prior to the hearing, and shall be maintained as a permanent record of the City Commission. Applicant shall pay for all costs of any notice that is published, and be responsible for all costs of mailing all notices required under this Section.

In the event that the applicant does not have the receipts, then the application may not be acted upon until proper proof of mailing is provided to the City Auditor.

The City Commission shall notify the person requesting the variance of its decision either in person by delivering to them a copy of the minutes or by mail.

ARTICLE 8 - Amendments

5.0801 Amending

The City Commission may from time to time amend, supplement or change the district boundaries or regulations contained in this zoning ordinance. A proposal for an amendment or a change in zoning may be initiated by the City Commission, by the Planning Commission, or upon application of the owner of the property affected. All such proposed changes submitted to the Planning Commission for recommendation and report. The Planning Commission shall prepare final written findings which shall be submitted to the City Commission within sixty (60) days after the time of referral of the proposed amendment to the Planning Commission.

5.0802 Applications

The party desiring any change in zoning district boundaries or regulations contained in this zoning ordinance as to any lot, tract or area of land, shall file with the City Auditor an application upon forms provided, and such application shall be accompanied by such data and information as may be prescribed by the Planning Commission. At the time of filing said application with the City Auditor, the applicant shall provide the City with the names and addresses of all owners of any land located within two hundred (200) feet of the outer limits of said area to which the applicant desires change of zoning.

5.0803 Public Hearing and Notice

Before the Planning Commission shall, by proper action, formulate its recommendation to the City Commission on any such proposed or requested change of zoning district boundary or regulation, whether initiated by the City Commission, the Planning Commission or by the property owner, the Planning Commission shall hold a public hearing on such proposal. The Secretary of the Planning Commission shall cause a notice of public hearing to be published once a week for two successive weeks prior to the time set for the said hearing in the official City newspaper. Such notice shall contain:

1. The time and place of the hearing.
2. A description of any property involved in any zoning change, by street address if streets have been platted or designated in the area affected.

1. A description of the nature, scope, and purpose of the proposed regulation, restriction or boundary.
2. A statement of the times at which it will be available to the public for inspection and copying at the office of the City Auditor.

In addition to such publication notice, written notice of such proposed change shall be mailed by certified mail, return receipt, to all the owners of property within the area proposed to be changed and to owners of any land located within two hundred (200) feet of the outer limits of the area in which the zoning is to be changed.

REVIEW BY CITY COMMISSION: After receiving the decision of the Planning Commission, the City Commission shall hold a public hearing on the request for a zoning amendment. Notice of the time, place and subject of the hearing shall be published by the City Auditor once in the official newspaper for two successive weeks at least ten (10) days prior to the date fixed for the public hearing.

Further, the applicant shall notify by certified mail, return receipt, all persons who are owners of property within 200 feet of the area proposed for the amendment. Prior to the hearing being held, the applicant must provide to the City Auditor the return receipts from the notice(s) sent via mail.

Proof of publication of the notice shall be filed with the City Auditor, along with proof of mailing, if required, prior to the hearing, and shall be maintained as a permanent record of the City Commission. Applicant shall pay for all costs of any notice that is published, and be responsible for all costs of mailing all notices required under this Section.

In the event that the applicant does not have the receipts, then the application may not be acted upon until proper proof of mailing is provided to the City Auditor.

5.0804 Protest

If a protest against a change, supplement, modification, amendment or repeal is signed by the owners of twenty percent (20%) or more:

1. Of the area of lots included in such proposed change; or
2. Of the area adjacent, extending one hundred fifty (150) feet (45.72 meters) from the area to be changed, excluding the width of streets;

The amendment shall not become effective except by the favorable vote of three-fourths of all members of the City Commission, provided that protests in writing must be filed with the City Auditor prior to the time set for the hearing. If no protest is filed, a majority decision to the City Commission shall be sufficient.

The City Commission shall notify the person requesting the variance of its decision either in person by delivering to them a copy of the minutes or by mail.

Spivey made a motion to approve change of name to business instead of individual to FTT instead of Shawn Iwen for the Model Tavern Liquor License. McClelland seconded that motion. All voted aye. Motion carried.

Rich Zahrajsek presented a building permit from Mark Black for 2 six plexes of 2 bed/3 bath units and contractor’s license for Advantage Construction Maintenance LLC. Goldade made a motion and McClelland seconded the motion. All voted aye. Motion carried.

McClelland made a motion to approve January bills. Goldade made a second motion. All voted aye, motion carried.

Harlan presented a few project proposals for the city for the Spring 2014. Those included the main street improvements including water, sewer, and street renovations, west side transmission main/replacement and street renovations, and truck route improvements on 67th street.

Being no further business the meeting adjourned at 8:35 pm.

Nathan Germundson Julie N. Ramos Lagos,

President, Tioga City Commission City Auditor