Tioga City Commission

May 19, 2014

Minutes

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

Commissioners Absent:

Visitors Present: Desiree Hanson, Cecile Krimm, John Grubb, Harlan Engberg, Rich Zahrajsek, Melissa Koch, Travis Whitman, Merle Almer, Kathleen Imes, and Andrew Imes.

The regular meeting of the Tioga City Commission was called to order at 7:05 pm by President Germundson at Tioga City Hall.

McClelland made a motion and Goldade seconded to dispense the readings of the May 5th, 2014 minutes. All voted aye. Motion carried.

Commissioners Reports:

McClelland made mention of the fencing projects and city shop area.

Spivey mentioned that Schrage has accepted an officer position in another location and the City of Tioga replacement officer is Josh Nelson. Larry Maize introduced Josh Nelson.

Public Input: none

Old Business:

Harlan from Ackermann Estvold presented a bill from Kemper Construction for $1320.00 for GPS updates. McClelland made a motion to approve payment, Goldade made a second. All voted aye, motion carried. McClelland mentioned that he would like to notify BNSF to clean out ditch and his concerns with the elevation difference on 105th.

Maxine Shannon from Raise Your Paws gave commissioners quotes for cost of a possible new building and on a renovating project. Spivey indicated he didn’t realize that many pets have been picked up from Raise Your Paws from Tioga and the city may need to consider a larger pound. Spivey indicated that location of the non-profit is important and should not be in the downtown area. The commission recommended Shannon to find commercial property and visit with the landowner. Once she has a location in mind, they encouraged her to submit a request from the Tioga Fund for help with funding.

Goldade made a motion to approve Hamilton Homes CUP for 1 year for placement of trailers during construction in the Annabelle Subdivision location. McClelland made a second motion. All voted aye, motion carried.

John Coles from Verizon tower answered questions (via phone) regarding the conditional use permit application for the Verizon tower. He indicated it would be a data-off load- LGE tower. Discussion was held on the possibility of placing permanent frequency/repeater on tower for police and ambulance services. McClelland made a motion to approve the Verizon tower conditional use permit for 35 years. Goldade made a second motion. All voted aye, 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.

New Business:

Merle Almer and Kathleen Imes presented a preliminary plat and resolution of land unplatted property on Merle Almer and City of Tioga property. Kathleen indicated Merle Almer would like to set up a quit claim deed to transfer lots so that the City of Tioga has full drainage coverage and it allows for Merle Almer to utilize other parts of the area. McClelland made a motion to table request until further inspection and possible surveying, Goldade made a second motion. All voted aye. Motion carried.

Kristy Virga with Bison Management was present to thank the City of Tioga with assisting in the water concerns at the Tioga Townhomes and provided an update of the current events.

McClelland made a motion to appoint Travis Wittman to the Planning and Zoning Member Board. Spivey made a second motion. All voted aye, motion carried.

McClelland made a motion to approve selling the city stage to the Visitor’s Promotion Fund. Spivey made a second motion. All voted aye, motion carried.

Spivey made a motion to approve opening a new bank checking account for use of municipay credit and debit card transactions. McClelland made a second motion. All voted aye, motion carried. Discussion was held on the request of placing the Simons Addition lots for sale/bid, it was decided that the City of Tioga is not interested in selling those lots at this time. Goldade made a motion to approve special permit from Model Tavern. McClelland made a second motion. All voted aye, motion carried.

Building permits were presented by Julie Ramos Lagos: Judy Goettle – deck – McClelland made a motion, Goldade made a second motion. All voted aye. Motion carried. , IBC – Derrick Suitz/Michael Brown – shed – Spivey made a motion, Goldade made a second motion. All voted aye, motion carried, LNG outlot building permit – McClelland made a motion, Goldade made a second motion. All voted aye, motion carried, Tyler Skarphol – deck – Goldade made a motion, McClelland made a second motion. All voted aye, motion carried, and Cameron Holte – deck – Goldade made a motion, McClelland made a second motion. All voted aye, motion carried. Discussion was held on the paving of KDAK streets. Commissioners indicated that they currently still do not meet requirements and recommended reminder of letter stating requirements. Julie Ramos Lagos also mentioned that Rich Zahrajsek would like to praise Cashwise for being an excellent developer to work with as they met all requirements. Julie Ramos Lagos reminded commission of their grand opening on May 21st.

McClelland made a motion to approve May bills, Goldade made a second motion. All voted aye, motion carried. Ben Johnson presented new alcohol and sign ordinances and reviewed the alcohol ordinance with the commissioners.

Being no further business the meeting adjourned at 9:34 pm.

Nathan Germundson Julie N. Ramos Lagos,

President, Tioga City Commission City Auditor