

# CITY OF ELGIN

## Council Proceedings

### Regular Council Proceedings June 5, 2025

Regular City Council Meeting was called to order at 7:30 p.m. June 5, 2025 by Mayor Ronald Bartz.

Pledge was recited.  
Public in Attendance: Luann Dart, Wayne Iszler, Saul Maier, Marie Klein, Tony Couch and Troy Severude.

In Attendance: Ron Fischer, Kristian Roth, Brian Richardson, Leslie Bartz, Brianna Ricks, Robert Mead and Ronald Bartz.

Absent: None  
Moved by Mead second by Roth to approved the one bid received for the old sewer truck, for \$500 from BG Fire, all present aye motion carried.

Public: - Tony Couch approached the council asking for the Utility Policy due dates be changed. Council consensus was for the policy to stay as it is.

Maintenance Report: Wayne Iszler reported cold mix has been received and pot holes will be getting fixed soon. Regular summer maintenance is in full swing.

Engineers Report: Council reviewed the engineers report as presented. Moved by L. Bartz second by Mead to approve the Letter of Intent to Meet Conditions – Amendment #2 for loan #93-10, roll call vote Roth aye, L. Bartz aye, Mead aye, Richardson aye, Ricks aye and Fischer aye, motion carried.

Moved by Richardson second by Mead to approve the opening of new water reserves savings account for the purpose of setting aside an auto transfer of \$449.44 per month from the General Funds Checking Acct (1/2 water & ½ sewer funds) as it is part of the requirements for Loan #93-10. Signer will be Ronald Bartz, Robert Mead and Reva Weekes; with a roll call vote; Roth aye, L. Bartz aye, Mead aye, Richardson aye, Ricks aye and Fischer aye, motion carried.

Moved by Roth second by Ricks to approve the Regular City Council minutes dated May 1, 2025, all present aye motion carried.

Moved by L. Bartz and second by Roth to approve the financial statement as presented for May, all present aye; motion carried.

Moved by Ricks second by Richardson to approve the following bills for May & June: FIBT 19.99, US Treasury 1290.22, NDPERS 2062.94, FIBT 241.00, 2067.49, 87.34, 22.17, City of Elgin 8666.43, Crand & Merriman 450.00, Ferguson 513.78, Gas & Gears 1070.54, OZ Flooring 5644.93, R Family 42.27, SW Water 6030.26, WRT 291.20, Dan's HVAC 102.50, ECOLAB 138.37, Elgin Park Bd 329.25, Farmers Union Ass.7770.00, Ferguson 18144, Gas & Gears 164.91, GS Publisng 45.00, Integrity Enterprises 2207.04, JMHCC 45.00, John Deer Financial 76.95, Lexis Nexis 77.81, MDU 2237.78, OZ Flooring 3021.50, SW District 25.00. Team Lab 1925.00, MDU 70.20, WRT 62.51, City of Elgin 105.50, NDPERS 2062.94, NDPERS Pension 936.51, US Treasury 1395.98, FIBT 185.00, 25.63, Crane & Merriman 290.00, Elgin True Value 492.55, Gas & Gears 158.86, Gr County 5063.00, Kev's Plumbing 10624.60, Lince Sanitation 8179.05, One Call Concepts 9.00, SW Water Authority 6044.34, Stein's Inc 510.11, Elgin True Value 35.57 and Employee Wages-\$6,680.99; all present aye motion carried.

Past Due Water bill list was reviewed: The following accounts are past due: Steve Bleick, Andy Chapman, Corinna Diehl, Chris Pearson, Melissa Scott, Josh Pigg, and Trenton Buchholz.

Old Business: Building Permit #858 & Demo Permit for Trenton Buchholz was acknowledged. Still no payment was received on the affected properties.

Discussion was held regarding the property located 109 Main St N; a crew is suppose to be hired to fix the roof.

Discussion was held

regarding the TA side walk grant - more information to come.

Discussion was held regarding the lot mess at 507 Montana ST N. A written complaint was received. A July 1<sup>st</sup> letter has been set.

New Business: Permission was granted to Shelly Seibel to park a camper on main street for Elgin Days.

Moved by L. Bartz second by Roth to approve Amendment 2025-06-05, the first reading is as follows:

### Amendment 2025-06-05

An Ordinance to amend Chapter VI, Zoning - Land Use Planning, of the 2018 Revised Ordinance of the City of Elgin, North Dakota, by amending Section 6.0801 relating to Administrative Official.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, NORTH DAKOTA:

Section 1. Amendment Section 6.0801, of the 2018 Revised Ordinance of the City of Elgin is hereby amended to read as follows:

### 6.0801 Administrative Official

1. Administrative Official. Except as otherwise provided herein the zoning administrator shall administer and enforce the provisions of this chapter, including the receiving of applications, the inspection of premises and the issuing of building permits. No building permit or certificate of occupancy shall be issued except where the provisions of this chapter have been met.

2. Building Permit Required. No building or structure shall be erected, added to or structurally altered until a permit therefore has been issued by the zoning administrator. All applications for such permits shall be in accordance with the requirements herein and, unless upon written order of the Board of Adjustment, no such building permit or certificate of occupancy, shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this chapter.

a. Matter Accompanying Application. There shall be submitted with all applications for building permits two copies of a layout or plot drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this ordinance.

b. Payment of Fee. One copy of such layout or plot plan shall be returned when approved by the zoning administrator together with such permit to the applicant upon the payment of a fee of (see, Schedule).

c. Failure to secure all permit(s) required by these ordinance(s), prior to beginning work, shall result in a fine of \$100 per violation. Each day work is performed without the proper permit(s) having first been obtained will be deemed a separate violation.

### 3. Certificates of occupancy.

a. No land shall be occupied or used and, no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the zoning administrator, stating that the building or proposed use thereof complies with the provisions of this chapter.

b. No non-conforming use shall be maintained, renewed, changed or extended without a certificate of occupancy having first been issued by the zoning administrator therefore.

c. All certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificate shall be issued within thirty (30) days after the erection or alteration shall have been

approved.

### Amendment 2025-06-05.01

An Ordinance to amend Chapter XI, Zoning - Land Use Planning, of the 2008 Revised Ordinances of the City of Elgin, North Dakota, by enacting Article 9 relating to Variances.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, NORTH DAKOTA:

Section 1. Amendment Article 9, Chapter 6 of the 2008 Revised Ordinances of the City of Elgin is hereby enacted to read as follows:

### ARTICLE 9 - Board of Adjustment

### 6.1001 Authority Given to Planning and Zoning Commission

1. All statutory powers and authority granted to a Board of Adjustment are hereby granted to the above-created Zoning Commission, and any reference in these Ordinances to "Board of Adjustment" shall be read as referring to the Planning and Zoning Commission. (Source: North Dakota Century Code section 40-47-07)

2. Powers and Duties. The Planning and Zoning Commission shall have all the powers and duties prescribed by law and by this chapter, which are more particularly specified as follows:

a. Interpretation. Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

b. Variances. To vary or adapt the strict application of any of the requirements of this chapter in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. In granting any variance, the Planning and Zoning Commission shall prescribe any conditions that it deems to be necessary or desirable. However, no variance in the strict application of any provision of this chapter shall be granted by the Planning and Zoning Commission unless it finds:

1) That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building.

2) That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the board is the minimum variance that will accomplish this purpose.

3) That the granting of this variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the board, in determining its finding, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.

3. Procedure. The Board of Adjustment shall act in strict accordance with the procedure specified by law and by this chapter. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, or the

details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board of Adjustment shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the city auditor.

4. Notice and Hearing. No action of the Board shall be taken on any case until after due notice has been given to the parties and public hearing has been held.

### 6.1002 Amendments

The governing board may, from time to time, amend this article by supplementing, changing, modifying or repealing any of the regulations, restrictions or other provisions thereof or of the district map or the districts on said map or of the boundaries of such district. A proposed amendment may be initiated by the said Board upon its own motion, or upon receipt of a request therefore from the City zoning commission or upon receipt of a petition therefore from any interested person or persons or their agents.

1. Report by City Zoning Commission - Public Hearing. The governing body shall require a report from the City zoning commission on a proposed amendment before taking final action thereon. The City zoning commission shall thereupon make a tentative report and hold a public hearing thereon with notice the same required for a public hearing by the governing body, before submitting its final report. Such final report shall be submitted within ninety (90) days after the time of referral of the proposed amendments to the City zoning commission unless the governing body is agreeable to an extension of time.

2. Action by the Governing Body-Public Hearing. After receipt of the required final report on any amendment from the City zoning commission or in the event of the failure of the City zoning commission to so report within ninety (90) days following the time of referral of the proposed amendment to the City zoning commission, the governing body shall hold a public hearing, after which the proposed amendment may be passed. Not less than fifteen (15) days notice of the time and place of holding such public hearing shall first be published in the official newspaper. A hearing shall be granted to any person interested, and the time and place specified.

3. Vote after Protest. If a protest against a change, supplement, modification, amendment or repeal is filed and signed by owners of twenty percent (20%) or more:

a. Of the area of the lots included in such proposed change; or

b. Of those immediately adjacent in the rear thereof extending 150 feet therefrom; or

c. Of those directly opposite thereto extending 150 feet from the street frontage of such opposite lots.

The amendment shall not become effective except by the favorable vote of three-fourth (3/4) of all the members of the governing body.

### 6.1003 Enforcement.

The erection, construction, reconstruction, alteration, repair, conversion or maintenance of any building or structure or the use of any building, structure or land in violation of this article or of any regulation, order, requirement, decision or determination made under authority conferred by this article, shall constitute the maintenance of a public nuisance and any appropriate action or proceeding may be instituted by the City, through any administrative officials, department, board of bureau charged with the enforcement of this article:

1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;

2. To restrain, correct or

abate such violation;

3. To present the occupancy of the building, structure or land; or

4. To prevent any illegal act, conduct, business or use in or about such premises.

A violation of any provision of this article or a violation of or refusal or failure to comply with any regulation, order, requirement, decision of determination made under authority conferred by this article shall be punishable as an infraction. Each day the violation continues constitutes a separate violation. (see North Dakota Century Code section 12.1-32-01).

/s/Ron Bartz  
Ron Bartz, Mayor  
/s/Reva Weekes  
Reva Weekes, Auditor  
With roll call vote Roth aye, L. Bartz aye, Mead aye, Richardson aye, Ricks aye and Fischer aye, motion carried.

Moved by Mead second by Richardson to approve the Annual Liquor License renewals for OPCLL Inc. and Seib's Sports Barr, all present aye motion carried.

Moved by Mead second by Richardson to approve Special Liquor Permits for Seib's and OPCLL for June 20<sup>th</sup> & 21<sup>st</sup>, all present aye motion carried.

Discussion was held regarding the city purchasing back properties located at 308 East ST N and 114 2<sup>nd</sup> Ave NW,

no decision was made, issued tabled.

Moved by L. Bartz second by Roth to approve the local gaming permit for Grant County HS for the 2025-2026 school season, all present aye motion carried.

Moved by Mead second by Ricks to approve the following Building Permits #848- Tony Couch, #867 – Saul Maier, #868 Aristotle Walter and #871-Ron Fischer; all present aye motion carried.

Moved by Richardson and Mead to approve the upgrade of a 1000-gallon propane tank for the Community Center, the current 500-gallon tank will be moved to the water tower; all present aye motion carried.

Council was informed that the AC Unit is on schedule to be up and running for the Celebration.

Council was informed that there is a copy of the Grant County Emergency Operations Plan available at the auditor's office.

Discussion was held regarding bidding on a Tac Trailer, moved by L. Bartz second by Roth to place a bid, capping at \$28,000, all present aye motion carried.

Meeting adjourned at 8:04 p.m.

/s/Ron Bartz  
Ron Bartz, Mayor  
/s/Reva Weekes  
Reva Weekes, Auditor  
Published July 3, 2025

## ELGIN SENIOR meals menu

**Fri., July 4:** No Senior Meals - Happy Fourth of July.

**Mon., July 7:** Cracker barrel meatloaf, baked potato, pea and cheee salad, ice cream, milk, coffee.

**Tues., July 8:** Chicken fried steak, mashed potatoes with gravy, stewed tomatoes, fresh fruit, milk, coffee.

**Wed., July 9:** Taco salad, garlic toast, fresh fruit, banana bars, milk, coffee.

**Thurs., July 10:** Crispy

chicken, mashed potatoes with gravy, green beans, fruit salad, milk, coffee.

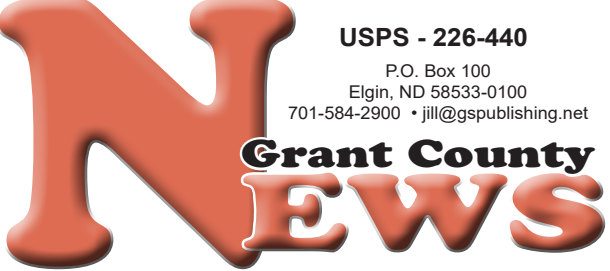
**Fri., July 11:** Cod fillet, oven browns, oriental coleslaw, whipped Jell-O with fruit, milk, coffee.

For meal reservations in Elgin, please call Our Place Café, 584-3150 by 9:00 p.m. the day prior to the meal.

All menus subject to change due to availability of foods.



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