

CITY OF TIOGA
City Commission Meeting Minutes
September 4, 2018

A meeting of the City Commission of the City of Tioga was called to order at 7:00 pm on September 4, 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, Traci Papineau, Austin Alexander, Stephanie Nygaard, Jeff Moberg, Vicki Fuson, Bob Fuson, Barry Ramberg, Monique Lopez, Sheena Elich, Kelli Heider, Monica Sundhagen, Sean Duisen, Jeremy Johnson, Steve Eberle, Jennifer Henry, Larry Maize, Bob Anderson, Ronica Pederson, Jimmy Apvippt, Josh Nelson, Sam Pesik

Bugbee made a motion to approve the minutes of August 20, 2018, second by Christianson. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen Abstained; McClelland

Commissioners Reports:

Christianson: Handed the floor to Jeff Moberg (Water Superintendent). Moberg advised Commission Board that there was a water main break at 1st Street and Hanson. Moberg also states that he has not received a status update on the water tower repair. Moberg addressed the issues at the Waste Water Treatment Plant and advised Commissioners if there is no action taken the plant will be in jeopardy of shutting down during winter months. Salinas stated that Attorneys advised the City to call on the items that have warranty or the contractors that installed and try to first receive service is no outcome then to hire new contractors to have the Waste Water Treatment Plant Fixed. Moberg advised Commission Board that the pumps in the lagoons are broken and would be approximately \$20,000.

Sundhagen made a motion to proceed with the purchase new pumps or fix pumps for the Waste Water Treatment Plant, second by Bugbee. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland

Moberg advised that he needs new gravel to place around the areas that are sinking at the Waste Water Treatment Plant estimate to be about \$1800.00.

Sundhagen made a motion to purchase gravel for the Waste Water Treatment Plant to place around sinking areas not to exceed over \$2000.00, second by Weflen. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland

Moberg advised that the City sewers will need to be jetted, McClelland advised that this item was preapproved and placed on water budget so no permission is necessary. Moberg stated that he will need approval to purchase a small building structure to go over the generator at the Water Tower site to prevent it from getting snow damage and freeze like years prior.

Christianson made a motion to purchase a small building structure to place over the generator at the Water Tower to prevent from freeze or damage, second by Bugbee. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland

Moberg Addressed Commission Board and advised them that there is no proper lighting at the Lift station and he would like to place at least 3 new lights around the area before winter. McClelland advised Moberg to get bids on cost and bring to next Commission Meeting to seek approval.

Bugbee: None

Sundhagen: Advised Commission Board that asbestos removal was completed at the old museum site and the cost will be \$22,950.

Sundhagen made a motion to pay the bill for asbestos removal for the amount of \$22,9950, second by Bugbee. Roll Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland
Sundhagen advised the Finance Department that he will need copies of any Architect bills to turn in for reimbursement, the new Police car is coming, the contract for the construction of the new Police Station will be addressed under legal and that Police Officer Mia Lefever resigned. Sundhagen also advised Commission Board that he would like to Give Police Chief Corey Murphy some type of raise or compensation for the overtime hours worked. City Attorney Pendlay advised that he is an exempt salaried employee and she is looking into the correct process. Discussion held.

Weflen: None
McClelland: None

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. Ackerman-Estvold: Austin Alexander – Informed Commission Board of the status for Simons Addition, stated that a walk through was completed with Street Commission Weflen and handed exhibit of pay application #4 for BEK for work completed in the amount of \$473,671.17.

Weflen made a motion to approve pay application #4 in the amount of \$473,671.17 from BEK for the Construction completed in Simmons, second by Sundhagen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland

Alexander also gave updates on Annabelle warranty work, the TAP Program, and Planning and Zoning.

2. Graham Construction- No representative available – City Attorney addressed Commission Board and advised them of the review of contract for construction of the new Police Station. Pendlay states that she has made the changes and will send it to Graham for changes to be made but would like City to be aware of lack of insurance for building during construction and contract states if something happens during construction Graham is not responsible nor do they hold the insurance to replace any partial building that maybe damaged. Salinas stated it's called an "all risk" insurance that the City would need to have.

Sundhagen made a motion to have Finance Department get additional insurance during the construction of the new Police Station, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland

Salinas advised Commission Board that EAPC the Architects currently designing the new Police Station are going to bring addendums for Commission review and approval on the new Police Station and Museum. Discussions held.

New Business:

3. Local Charity Permit – Salinas handed exhibit to Commission Board of Local Charity Permit Application from Tioga Public School District for bingo and raffles from 07-01-2018 to 06-30-2019.

Sundhagen made a motion to approve the Local Charity Permit Application from Tioga Public Schools for Raffles, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland

Salinas handed exhibit to Commission Board of Local Charity Permit Application from Tioga Area Dollar for Scholars for raffles and silent auction from 07-01-2018 to 06-30-2019.

Sundhagen made a motion to approve the Local Charity Permit Application from Tioga Area Dollar for Scholars for Raffles and silent auction, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland

4. County Road – County Commissioner Barry Ramberg – Ramberg advised Commission Board that County has started the process to proceed with new road paving on County Road 105 from highway 2

to the railroad crossing. Ramberg states that if City of Tioga would like to join and finish paving from railroad crossing to Signal Road it would be under a million because the City would receive the best possible pricing that the County has already negotiated. Weflen stated that she would like to look back at the pricing that was previously given to the City from Engineer firm Ackerman-Estvold before having approval from City Commission Board to proceed. Ramberg stated to not take long because the County is ready to start the process and when approved call Dennis at NDDOT. Discussions held.

5. Security Breach – Monique Lopez – Lopez handed exhibit to Commission Board on documents that she will be referencing. Lopez advised the Commission Board on the effects of the security breach that City Auditor Salinas committed allowing documents (paystubs) to be unintentionally released. Lopez states that identity theft is something that millions deal with every year and this is serious more so for her and the police officers because it could become a safety concern. Lopez feels that the risks Salinas caused should not be considered limited. Pendlay explained what limited breach means and stated that Salinas has followed the North Dakota Century Code to ensure that breach has been corrected and will not happen again. Lopez stated that the word inadvertently was used in the letter several times and it means unintentional and she does not understand why when you're a City Auditor something like this can happen by accident. Pendlay stated she wrote the letter and if Lopez has further questions on the usage of the language in the letter she would address after meeting. Lopez questioned Salinas asking why this information was released. Pendlay states that the totality of paystubs tendered to the Commissioners and the Commissioners alone for the purposes of payroll approval. To the best of the City's knowledge, research and belief any information contained in the payroll record, unless the Commissioner acted wrongfully would not have left the boundaries of the Commissioners. Only Commissioners would have been privy to that information according to the IT and the records, this practice preexisted Abby, and the practice continued to exist during her teenier here but to suggest that it was Abby and Abby alone that placed that into practice is erroneous that is incorrect, she adopted a protocol that preexisted her in coming here. Sundhagen stated that in the past some Commissioner and past Auditors have never seen or released Identifiable information. Pendlay stated that's not the information the City has. Sundhagen stated that we also have to remember the electronica age of this stuff has only existed for a few years. Pendlay stated that Commissioners had to be tendered a paystub and it was on paper that was the old practice which isn't the statue here which isn't the one Lopez is reciting she is using the criminal statue which is inapplicable, the statue is under 44-09 of the NDCC in any event they were tendered hard copies. Sundhagen states that previous Commissioners were given a sheet that said how many hours a person has worked. Weflen states that some where along the line that process changed because its been done like that as long as she has been Commissioner. Pendlay states the point is that it's been done wrong and it's been contained, bottom line is unless the Commissioners were running around either forwarding the emails or handing it to people on the streets which I haven't been advised by any Commissioners either current or former that they have tendered that information. Pendlay addressed Lopez and stated that she is in possession of the BCI reports and the POST Board reports and there are more facts relevant to her dismissal from the department then existence for your bank account and your address. Lopez stated that those facts listed did not matter because she was found not guilty in trial. Sundhagen states that he is not sure if we can state with a degree of certainty that it's not possible that there could not be a breach. Pendlay states that the letter issued does not state that, and reiterated that it states at this moment we have not been notified of any breaches. Pendlay also states that the City has taken corrective measures to ensure this doesn't happen again. Discussions on computer or encrypted messages and protocol. Lopez continued to question Salinas asking why this information was released and reviewed the City of Tioga Employee Handbook policy with Commissioners and asked what the consequences to Salinas will be. Weflen stated that Salinas did not start the process it was something that she continued. Pendlay advised that even if there would be consequences to Salinas that would not be discussed in a public meeting. Jerimiah Johnson former City of Tioga Police Officer addressed Commission Board on the Breach and asked what measures will be taken to help protect information in the meantime. City Attorney gave recommendations while City

Commissioners decide how to proceed. Larry Maize former Police Chief advised Commission Board that one person was affected by this breach. Maize states that Lopez lost her job because of the breach and he states he knows for a fact that Lopez was hacked. Pendlay states the City does not know that for a fact and that a copy of the BCI report can be obtained if he would like a copy. Pendlay also stated that this is starting to be more about relitigating Lopez's termination instead of the breach that occurred, discussions continued. Monica Sundhagen advised Commission Board that she was personally affected because in 2016 someone had in fact taken her Social Security number and filed a federal tax return and it has affected her life. Pendlay asked Sundhagen to file a Police report because that will help the process, discussions continued. Police Officer Josh Nelson suggested Life Lock would help assist the people that have been affected. Kelli Haider advised Commission Board that they should be ashamed that no one reads the emails sent to them for review, discussions held. Bugbee addressed Commission Board and states that everyone needs to work together to move forward. Discussions Continued.

Weflen made a motion to blackout any identifiable information while Salinas calls the payroll software provider to have it permanently removed, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland

Sundhagen advised Commission Board that there is a broken communication issue that is happening and it needs to be corrected, discussions continued.

6. Legal – Pendlay advised Commission Board that she has already addressed contract under another agenda item.

With no further business, the meeting of the Tioga City Commission was adjourned by unanimous vote moved by Sundhagen, second by Weflen at 10:23 p.m. call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland

The next meeting of the City of Tioga Commission Meeting is scheduled for Friday September 7, 2018 at 6:00 p.m. to discuss security breach, to be held at the Tioga City Hall.

Drake McClelland, President of the City Commission

ATTEST:

Abby Salinas, City Auditor