

CITY OF TIOGA
City Commission Meeting Minutes
September 3, 2019

A meeting of the City Commission of the City of Tioga was called to order at 7:00 pm on September 3, 2019, at the Tioga City Hall, by the president of the Tioga City Commission Drake McClelland.

PRESENT: Drake McClelland, Tim Christianson, Natalie Bugbee, Heather Weflen, Abby Salinas
ABSENT: Tim Sundhagen, Elizabeth Pendlay
Guest: Jacob Orledge, Wayne Knutson, Dan Larson, Steve Eberle, Austin Alexander, Austin Rollag, Samantha Irvin, Scott Bertsch, Steve Plienis, Robert Grzeskowiak, Chris Norgaard, Steve Jensen, Dennis Lindahl, Curtis VandeSandt, Sandra Clark

Weflen made a motion to approve the minutes of 08-19-2019, second by Christianson. Roll Call: Ayes; Christianson, Bugbee, Weflen

Commissioners Reports:

Christianson: Advised Commission Board that the water tank was fixed and Water Department Superintendent will begin the fill and have water bacteria tested before placing on line again. Also advised Commission Board that a 24-inch valve needs to be replaced at the lagoon due to water grate that is also needed at the meter house on 105th, discussions held.

Bugbee: None

Sundhagen: Absent

Weflen: Advised Commission Board that the new dump truck for the Street department was ordered.

McClelland: Advised Commission Board that the Park Board will have 2 vacancies and the Airport Board has one appointed position upcoming.

Weflen made a motion to advertise for the vacancies in the Park and Airport Boards, second by Bugbee. Roll Call: Ayes; Christianson, Bugbee, Weflen

Also advised Commission board that Employee Evaluations need to be completed.

Modifications/Approval of Agenda:

Bugbee made a motion to Change the agenda item under new business #9 to EDC Update and remove a local charity permit and fix #11 to say August and Delete July, and approve with changes made, second by Weflen. Call: Ayes; Christianson, Bugbee, Weflen

Old Business:

1. Legal – No new update
2. Ackerman-Estvoid: Steve Eberle – Updates given to Commission Board on TAP 2018 with the fix and TAP 2019 rebid, Eberle states Simons is completing paving, handed exhibit of pay application #3 from CC Steele in the amount of \$432,950.27 for work completed to date on Simons addition.

Bugbee made a motion to pay \$432,950.27 to CC Steele for the work that has been completed on Simons addition, second by Weflen. Call: Ayes; Christianson, Bugbee, Weflen

Eberle gave updates on force main and handed exhibit of pay application #1 from Steen Construction in the amount of \$110,500 for work completed on the force main and advised Commission Board it came under budget (original price was \$125,575).

Bugbee made a motion to pay \$110,500 to Steen Construction for the work that has been completed on the force main, second by Christianson. Call: Ayes; Christianson, Bugbee, Weflen

Other updates that were given were on the Water Tower, final grading on 105th. Salinas handed Commission Board exhibit of the placement of stop sign plans for 105th and stated that Intertec

Engineer is waiting to hear from Commission Board for approval before proceeding with placement of stop signs.

Weflen made a motion to approve Engineer plans for placement of the stop signs on 105th, second by Christianson. Call: Ayes; Christianson, Bugbee, Weflen

Eberle asked Commission Board if they wanted him to submit an application for the DWSRF for 2020 in case any infrastructure projects for the 2020 fiscal year will be needing loans, McClelland advised Eberle to proceed.

3. FCI – Austin Rollag – Update given to Commission Board on progress for the new Police station and the museum.
4. Community Center – Steve Plienis – Advised Commission Board that he would like to close out project. Salinas handed exhibit of change order #14 in the amount of \$972.06 for the new lock that are needed on the doors of the locker rooms of the Community Center, for their review and consideration.

Weflen made a motion to approve change order #14 in the amount of \$972.06 for new locks for the locker rooms, second by Christianson. Call: Ayes; Christianson, Bugbee, Weflen

Salinas handed exhibit of change order #15 in the amount of \$3,217.51 for installing all the toiletry accessories at the Community Center, for their review and consideration.

Christianson made a motion to approve change order #15 in the amount of \$3,217.51 for installing the toiletry accessories, second by Bugbee. Call: Ayes; Christianson, Bugbee, Weflen

Salinas handed exhibit #16 for credit in the amount of \$7,000 for the items that were not completed on the punch list at the Community Center and recommends to table because items are not correct, discussions held.

Bugbee made a motion to table change order #16 in the amount of \$7,000 until items are reviewed, second by Weflen. Call: Ayes; Christianson, Bugbee, Weflen

Salinas handed exhibit #17 for credit in the amount of \$15,000 for liquidated damages at the Community Center for their review and consideration.

Bugbee made a motion to approve change order #17 in the amount of \$15,000 liquidated damages, second by Weflen. Call: Ayes; Christianson, Bugbee, Weflen

Salinas handed exhibit of change order #18 in the amount of \$12,651.01 for the roof bracings that were put in the Community Center for the basketball hoops and recommends to table because this should come out of contingency money for project.

Salinas also handed exhibit of change order #19 in the amount of \$16,215 for the canopy soffits that were forgotten and recommends to table because this should come out of the contingency money for project. Discussions held.

Christianson made a motion to table change order #18 and #19 till items are reviewed to see if they should come out of contingency moneys held for the project, second by Bugbee. Call: Ayes; Christianson, Bugbee, Weflen

Salinas handed exhibit pay application #18 in the amount of \$35,100.82 for the work completed at the Community Center, both EAPC and Chris Norgaard have reviewed the pay application and recommend approval.

Bugbee made a motion to approve Pay Application #18 in the amount of \$35,100.82 for the work completed at the Community Center, second by Christianson. Call: Ayes; Christianson, Bugbee, Weflen

Salinas handed exhibit of final retention for the Community Center in the amount of \$485,883.76 and recommends tabling until work is reviewed. Plienis, representative from Graham, asked for it to be approved at least up to 95% of what was requested as per ND Century Code so that they can proceed and pay their vendors. Discussions held. City Attorney Pendlay asked if a meeting can be held to finalize payment and come to an agreement. Meeting set tentatively for Friday September 6, 2019 at 9am

Bugbee made a motion to approve 95% of Pay Application for the retention of the Community Center in the amount of \$461,589.56 per ND Century Code, then Bugbee amended her motion to

allow McClelland to sign up to 95% of retention application for Community Center after the meeting on Friday, second by Christianson. Call: Ayes; Christianson, Bugbee, Weflen

Salinas handed exhibit of Substantial completion sign off the items 1. drainage on the North side of hockey rink, 2. East side final grade and seeding, 3. South side drainage, 4. Dumpster effective July 15, 2019.

Christianson made a motion to approve signing off on the substantial completion effective July 15, 2019 for 1. drainage on the North side of hockey rink, 2. East side final grade and seeding, 3. South side drainage, 4. Dumpster, second by Bugbee. Call: Ayes; Christianson, Bugbee, Weflen

Plienis also advised Commission Board that he would like to submit bill for the pre-construction preliminary work completed on the new Police Department in the amount of \$25,000. City Attorney Pendlay states that contract negotiations were not successful and City went with a different contractor. Pendlay asked to review any pertinent information since the City has never received a bill. Plienis stated he would present that on Friday. Discussions held.

5. Community Center - Salinas handed exhibit to Commission Board of estimate from Creation Carpets for the curtains in the play area for \$9,707 for their review and consideration. Discussions held.

Bugbee made a motion to approve the estimate of \$9,707 for the remainder of the curtains in the play area at the Community Center, second by Christianson. Call: Ayes; Christianson, Bugbee, McClelland Nays; Weflen

Salinas handed exhibit to Commission Board of estimate from Tecta America for the cost of rerouting the duct work by the dumpsters at the Community Center in the amount of \$4,135 for their review and consideration.

Christianson made a motion to approve the estimate from Tecta America in the amount of \$4,135 to relocate the duct work at the Community Center by the dumpsters, second by Weflen. Call: Ayes; Christianson, Bugbee, Weflen

Salinas handed exhibit to Commission Board of an estimated cost for CPR and First Aide certification for employees at the Community Center in the amount of \$1,370 for their review and consideration.

Bugbee made a motion to approve a class for CPR and First Aide Certification in the amount of \$1,370, second by Christianson. Call: Ayes; Christianson, Bugbee, Weflen

Salinas handed exhibit to Commission Board of estimated cost for an automated external defibrillator package in the amount of \$1,399 which includes the cost of training for their review and consideration.

Christianson made a motion to approve the purchase of an automated external defibrillator in the amount of \$1,399, second by Bugbee. Call: Ayes; Christianson, Bugbee, Weflen

New Business

6. ACME Trucking/Wayne Knutson Easement – Salinas handed an exhibit to Commission Board of a letter from Wayne Knutson of ACME Trucking stating he wanted to be on the agenda regarding a sewer easement that he sent to the City Attorney. Knutson stated that he will grant that easement if paid \$5,000. City Attorney Pendlay was on the phone and advised Commission Board that this easement was done prior to the annexing of the property into the City and prior to Knutson owning the property, the easement was done by Hess years before the exact time is unknown and conditions of the easement were unknown. Weflen advised Knutson that they are not sure if an agreement was made with the prior owners for the easement since it was more than 20 years ago and stated that she felt this issue was resolved with prior agreement for easement rights a few months back when he was given \$5,000 for property easement. Pendlay stated that the fair market value of the property can be covered by an easement at the time the line was installed in 1980's which would be about \$200 or the Commission can pressure a recording of adverse possession if needed. Knutson said he was just following through on a request the City had made to him in 2015 for an easement.

Christianson made a motion not to pay anything on the easement, second by Christianson. Call: Ayes; Christianson, Bugbee, Weflen

7. Knutson/Norgaard Complaint – Salinas handed exhibit to Commission Board of an email from Norgaard addressing Knutson. Knutson advised Commission Board that he would like them to take

Norgaard off the airport board and reappoint someone else or have Norgaard resign because Norgaard is an extortionist. Bugbee states that is a big accusation and unless he has proof of what he is saying then it would be just his opinion. Norgaard advised Commission Board of all the growth and accomplishments that have been done at the Tioga Airport despite all the obstacles and complimented the Airport Authority Board for all their hard work and contribution to help make the Tioga Airport such a success which has been acknowledged by the State Water Commission Board, ND Aeronautics Commission, ND State, Williams County and the Federal Aviation. Other Tioga Airport Board members spoke on the accomplishments of what is being done at the Tioga Airport. Discussions held, City Attorney Pendlay advised Knutson that unless he has any proof to present to the Commission Board this issue is done.

8. Tioga Fund Application – Salinas handed exhibit to Commission Board of Tioga Fund Application from Tioga Recreation Council in the amount of \$10,689 for new football gear for their review and consideration. Tioga Fund Board has reviewed application and recommend approval.

Bugbee made a motion to approve Tioga Fund Application from Tioga Recreation Council in the amount of \$10,689 for new football gear, second by Weflen. Call: Ayes; Christianson, Bugbee, Weflen

Salinas handed exhibit to Commission Board of Tioga Fund Application from First Lutheran Church in the amount of \$34,000 for new playground equipment on their premises for their review and consideration. Tioga Fund Board has reviewed application and recommends approval.

Christianson made a motion to approve Tioga Fund Application from First Lutheran Church in the amount of \$34,000 for new playground equipment, second by Bugbee. Call: Ayes; Christianson, Bugbee, Weflen

Salinas handed exhibit to Commission Board of Tioga Fund Application from Tioga Economic Development in the amount of \$4,500 for Team Tioga Project for their review and consideration. Tioga Fund Board has reviewed application and recommends approval.

Christianson made a motion to approve Tioga Fund Application from Tioga EDC in the amount of \$4,500 for Team Tioga Project, second by Bugbee. Call: Ayes; Christianson, Bugbee, Weflen

9. EDC – Dennis Lindahl gave an EDC update and made a presentation of the successful year at Drone Camp.
10. Payroll 08-22-2019 – Salinas handed exhibit to Commission Board of Payroll for 08-22-2019 for their review and consideration.
Bugbee made a motion to approve payroll for 08-22-2019, second by Weflen. Call: Ayes; Christianson, Bugbee, Weflen

11. City Bills for August 2019 – Salinas handed exhibit to Commission Board of City Bills for August 2019 for their review and consideration. Bills Total \$555,847.62; ACKERMAN ESTVOLD \$86,593.91; ABM \$1,254.89; AE2S \$431.75; AMERIPRIDE \$335.52; BALCO \$196.72; BOSS \$164.85; BSN SPORTS \$1,019.56; CENTRAL STATES WIRE PRODUCTS \$207.00; CIRCLE \$26,805.75; COMPUTECH \$1,516.00; DEGENSTEINS AUTO PLUS \$400.00; DEMCO \$105.69; EAPC \$6,715.75; FED EX \$13.35; FIESEL LAW \$394.75; FIRST DISTRICT HEALTH \$75.00; GOOSENECK IMPLEMENT \$113.37; GUSTAFSON SEPTIC \$4,420.00; INFORMATION TECHNOLOGY \$98.25; INPRO \$362.37; INTERACTIVE SPORTS \$13,271.40; JUNIOR LIBRARY GUILD \$11,448.90; K SQUARED ELECTRIC \$411.08; LANDSCAPE ELEMENTS \$93,095.00; LAW ENFORCEMENT SYSTEM \$259.00; LEES ELECTRIC \$687.76; LEXIS NEXIS \$23.94; MAIN ELECTRIC \$3,061.61; MEIERS OIL & TOWING \$260.00; MENARDS \$93.96; MDU \$8,635.94; MWEC \$1,159.16; ND DEPT OF ENVIRONMENTAL QLTY \$25.00; ND INS DEPT \$119.03; ND ONE CALL \$48.75; ND SEWAGE PUMP & LIFT SERVICE \$5,157.68; NRG \$129.00; NDFLAGPOLEGUY.COM \$9,460.24; NEWMAN TRAFFIC SIGNS \$234.29; NILLES LAW FIRM \$7,625.20; NORMONT EQUIPMENT \$622.83; NCC \$1,386.04; NW VET \$305.41; NOVA FIRE PROTECTION \$175.00; OFFICE DEPOT \$129.69; PENDLAY LAW OFFICE \$4,337.50; PINNACLE \$4,164.10; PITNEY BOWES \$194.04; POST BOARD \$50.00; POSTMASTER \$283.85; PRAXAIR \$25.55; PREBLE \$170.00; R&T \$100,443.48; RUACH RESOURCES \$196.71; SHARE CORP \$8,397.55; SIRCHIE \$158.72; TIOGA HARDWARE \$757.44; TIOGA PARTS \$262.89; TIOGA TRIBUNE \$1,248.65; USA CENTRAL STATION ALARM \$90.00; VERIZON \$839.55; VISA \$3,878.21; VISION WEST

\$750.00; WANDA BAGLEY \$750.00; WEBSTAURANT \$8,713.69; WESTERN DAKOTA ENERGY ASSOC. \$4,000.00; WILLIAMS CTY HWY DEPT \$119,791.00; WILLIAMS CTY SHERIFF \$225.00.

Bugbee made a motion to approve City Bills for August 2019, second by Weflen. Call: Ayes; Christianson, Bugbee, Weflen

With no further business, the meeting of the Tioga City Commission was adjourned by unanimous vote moved by Bugbee, second by Weflen at 10:28 p.m. call: Ayes; Christianson, Bugbee, Weflen, McClelland

The next meeting of the City of Tioga Commission Meeting is scheduled for Monday September 16, 2019 at 7:00 p.m., to be held at the Tioga City Hall.

Drake McClelland, City Commission President

ATTEST:

Abby Salinas, City Auditor