

**REGULAR RUGBY CITY COUNCIL MEETING MINUTES  
MONDAY, MAY 3, 2021– 7:30PM  
CITY HALL COUNCIL CHAMBERS AND BY GOTOMEETING**

Council Members present: Albrecht, Lunde, Kraft, LaRocque, Berg (by GOTOMEETING) and Trottier. Also present were Mayor Steinke, City Attorney Hartl, Jim Olson, AE2S and City Auditor Stewart. Absent was Bednarz.

Mayor Steinke called the meeting to order at 7:30 pm.

Council members recited the Pledge of Allegiance.

Roll call was taken by Steinke.

The Community Service Director Annual Report was removed from the agenda. There was a motion by Albrecht to approve the agenda as amended. Second by Kraft, motion carried.

The council considered the April 5, 2021 meeting minutes. There was a motion by Albrecht to approve the minutes of the April 5, 2021, regular council meeting. Second by LaRocque, all voting yes, motion carried.

The council considered the April 5, 2021 special tax equalization meeting minutes. There was a motion by Kraft to approve the minutes of the April 5, 2021 special tax equalization meeting minutes. Second by Albrecht, all voting yes, motion carried.

Bills Paid Since Last Meeting of 4/05/2021:	\$176,101.00
21328 Convention & Visitors Bureau	\$1,663.39
21329 Convention & Visitors Bureau	\$6,156.03
21330 Dale Klein	\$72.80
21331 Envision	\$1,232.88
21332 Hawkins Inc.	\$939.31
21333 Jennifer Stewart	\$202.30
E-CK Job Service ND	\$264.22
21334 John B. Rose	\$100.00
21335 John Deere Financial	\$3,525.63
E-CK JP Morgan Chase	\$1,047.09
21336 Locators & Supplies Inc.	\$130.87
21337 MEDICO Life Ins.	\$35.25
21338 Merchants Bank	\$21,443.83
21339 Modern Marketing	\$452.95
21340 ND Association of Counties	\$75.00
21341 ND Dept of Health/Chemistry	\$31.78
21342 ND Dept of Transportation	\$268.36
21343 ND Dept of Transportation	\$6.50
21344 ND Telephone Co	\$821.87
21345 North Central Printing	\$115.00
21346 Otter Tail Power Company	\$11,738.77
21347 Rigby Fire Dept	\$5,448.08

21348	Rugby Job Authority	\$23,035.26
21349	State Water Commission	\$5,184.15
21350	Team Lab	\$688.00
21351	Uniform Center	\$437.94
21352	Valli Information Systems	\$658.38
21353	Verizon Wireless	\$80.02
21354	Wells Fargo Bank	\$500.00
21355	West Shore Services	\$1,200.00
E-CK	Wex Bank	\$1,070.34
ACH	Payroll Checks	\$47,156.11
	Social Security	\$7,376.28
	Medicare Taxes	\$1,725.06
	Payroll Taxes	\$4,587.14
21356	AFLAC	\$971.77
ACH	NDPERS	\$625.00
ACH	NDPERS	\$8,216.36
ACH	Sanford Health / NDPERS	\$16,817.28
Bills Submitted for payment 05/03/2021:		\$2,244,748.66
AWD - Wells Fargo Improvements Bond 2013		\$2,001,345.00
21357	B & J Excavating Inc.	\$1,175.00
21358	Bartsch Electric LLC	\$4,292.30
21359	Big State Industrial Supply Inc.	\$207.63
21360	Brad Radomski	\$700.00
21361	Circle Sanitation	\$20,202.00
21362	Core & Main LP	\$4,665.19
21363	Dakota Fence Company	\$6,675.00
21364	Environmental Equipment & Svc	\$988.03
21365	First District Health Unit	\$75.00
21366	Goodon Buildings International	\$603.00
21367	H. E. Everson Co	\$41.20
21368	Johnson's Plumbing	\$3,515.76
21369	Lake Region District Health Unit	\$100.00
21370	MARC	\$455.41
21371	ND League of Cities	\$170.00
21372	Northern States Supply	\$11.25
21373	Petty Cash	\$58.95
21374	Pierce County Auditor	\$3,412.50
21375	Power Plan	\$1,166.00
21376	Precision Autobody & Glass	\$4,280.40
21377	Rebecca Jordan	\$170.00
21378	Robert Spallinger	\$430.00
21379	Rough Rider Industries	\$31.50
21380	Rugby Broadcasters	\$91.00
21381	Rugby Farmers Union Elevator	\$22.00
21382	Rugby Hardware Hank	\$834.47

21383 Rugby Lumber	\$304.55
21384 Rugby Service Center	\$718.28
21385 Rugby Veterinary Service	\$122.00
21386 Scott Bommersbach	\$168.00
21387 Sleep Inn & Suites / Minot	\$143.66
21388 Staples	\$141.54
21389 Team Laboratory	\$10,268.00
21390 U. S. Bank	\$450.00
21391 Verizon Wireless	\$613.04

The bills were reviewed by the council. Bills were individually reviewed by LaRocque and Trottier. There was a motion by LaRocque to approve payment of the bills as presented. Second by Trottier, roll call vote, Albrecht-yes, Lunde- yes, Kraft-yes, LaRocque-yes, Berg-yes and Trottier-yes, motion carried.

Stewart presented the cash report, revenues to budget and expenditure to budget reports. She explained that the bond refinance for Chalmers was complete on May 1. There was a motion by Lunde to approve the financials as presented. Second by Trottier, roll call vote, Albrecht-yes, Lunde-yes, Kraft-yes, LaRocque-yes, Berg- yes and Trottier-yes, motion carried.

The council considered the April 2021 Municipal Court Report. There was a motion by Albrecht to approve the April 2021 Municipal Court Report. Second by Kraft, all voting yes, motion carried.

Laurie Odden, Convention and Visitors Bureau Executive Director, addressed the council regarding the planters that will be hung downtown. They are working on a new website for the Chamber & CVB. Odden expressed her thanks to the Public Works department for putting the flags at half-staff and back up. There was a motion by Trottier to approve the CVB report and agenda. Second by LaRocque, all voting yes, motion carried.

Steinke introduced Karl Frigaard, JDA Executive Director. The council considered the JDA minutes and financials. There was a motion by Albrecht to approve the JDA minutes and financials. Second by Kraft, all voting yes, motion carried.

Trottier asked Frigaard to give the council a brief history of himself. Frigaard explained his past positions and the locations of each.

Recreation Committee: Chairman Berg reported that they had hired a recreation manager, Dave Schneibel Jr. He explained that other work to dugouts and the picnic shelter were also discussed.

Finance Committee: Chairman Kraft explain they had discussed the 2022 budget timeline and a purchasing policy.

Ordinance Committee: Chairman Kraft informed the council that they too had discussed a purchasing policy.

Public Works: Jim Olson will cover this in his report to council.

Public Safety Committee: Trottier explained they had discussed some intersection visibility issues with a hedge. The committee approved to purchase radar signs to be used in select areas of the community.

Building: Chairman Berg explained they are looking to obtain bids for new windows and ventilation at the pool.

Olson reported that the 2 ½ Ave Project is still awaiting federal USDA approval. The swimming pool project is in the works. Plans and specifications will be drawn up to solicit bids for the project. Windows, fans and garage doors are all part of the project. Task Order #6 serves as the engineer contract for the project.

The Armory doors are ADA compliant and only require automatic door openers. The CDBG application for funding with Souris Basin is in the works. This would help cover the costs to make the improvements. There was a motion by Lunde to apply for the CDBG funds. Second by LaRocque, all voting yes, motion carried.

Olson explained that the State Water Commission has a grant that the transmission line from the wells to the water plant would qualify for. This would replace the 10 miles of line. This is a grant that covers 60% of the cost. This project will be known as the 2022 Asbestos Pipe Replacement Project.

The council reviewed two instrument and control estimates for the water plant computers. One from Integrated Process Solutions, Inc. and a second estimate from Preferred Controls. Previously the city has worked with IPS. Greg Boucher, Water Plant Supervisor, explained to the council that the working relationship he has with IPS is very good and he would like to continue to utilize IPS. Olson recommended that the council consider going with IPS for the SCADA Improvements.

Neil Lotvedt, former council member, explained that during Phase II of the Water Treatment Plant, Fusion Automation was awarded the instrument and control portion of the project. During this project Fusion Automation walked out on the project and had not completed the job. IPS came in at that time and fixed the mess Fusion Automation had left. There was a motion by Kraft to accept the proposal from Integrated Process Solutions. Second by Lunde, roll call vote, all voting yes, motion carried.

Olson explained that Pipe Detectives had been in town televising quadrant one. He will be receiving the video and full reports later this week. He pointed out that near Precision Autobody, along Hwy 3, when they began televising they had the line collapse. Public Works was able to make the repair to this line. When they televised the sewer line that runs under the ball diamonds they found a fence pole 330' in that was through the line. This is causing silt to fill the line. Olson will discuss this with the Public Works Committee as to the direction they want to go with this.

Olson is working with Attorney Hartl to get legal documents completed for 2 ½ Ave. The Comprehensive Land Use Plan draft will be going to the steering committee soon.

Olson explained GIS mapping platforms. Different layers may be added to this database. This is beneficial to the city as it can contain water, sewer lines. Gate valves, stop boxes, pipe depths, diameter and year installed. They will be able to document the last break in a line, etc. This would be available to view by the employees, on their phones when they are out working on the water and sewer lines. The initial cost is approximately \$12,000. The annual fees were also discussed. Kraft explained that the committee felt that it should be budgeted for. Munyer gave a recent example where Dollar General was hooking up to their sewer line and it was in the middle of the lot. GIS information would have been helpful.

Trottier questioned how GIS would improve efficiency? Olson explained that it was like night and day. He explained how beneficial it is to municipalities. Lotvedt explained that the city needs to update and use the new technology. He also believes that the city would need to buy a GPS receiver. This is just as important as the GIS database. The council also discussed the annual fees that would accompany a GIS system.

Olson explained that once the water plant computers are updated the old computers will be moved over to the city shop to update their computers. Olson stressed how important the water plant and the 10 miles of transmission lines from the well are to the community.

LaRocque questioned if the JDA had put the mowing of Chalmers Lots back out for bid? Kraft explained that they had not. He felt the original bids were too high and that they needed to do more research before they could accept or award a bid. He explained that the JDA board did not realize that tabling the bids would void the bids. They had discussed getting legal advice at their last meeting. They questioned if it was appropriate for the JDA to utilize City Attorney Hartl as their legal counsel or if they needed a different attorney. LaRocque cited Attorney General Opinions regarding the JDA seeking outside legal advice. He explained that in the legal opinion it stated that seeking outside legal advice is against the law. If outside legal advice is solicited it must be paid for personally by the board member requesting the advice. To pay for it with city funds is illegal. Attorney Hartl explained that the JDA has not approached him regarding this.

LaRocque has been told since he joined council that the JDA is an arm of the city and that the city does not have authority over the JDA. He recently learned through research, the opposite. The governing body had control over the JDA tax collection budget. The city has control over the JDA budget if they budget the directors salary separate. The city cannot micromanage their budget. He explained that the mayor has the right to appoint the JDA board members. He explained it would take a 60% majority vote of the council to remove a member from the JDA board.

LaRocque read an opinion, written by Attorney Hartl, regarding the JDA pursuing creating the Chalmers addition. Hartl's opinion explained that Chalmers Addition was outside of the JDA scope of authority, and they then created the Chalmers Addition.

He explained the Attorney General Opinion that the JDA had wanted to seek after the April council meeting, regarding the council requiring the JDA to put the Chalmers Addition mowing out for bids again, was not necessary as the council has authority over the JDA.

LaRocque explained that by putting the Chalmers Addition mowing out for bids, the JDA is creating a job. The city mowing the Chalmers Addition does not create a job. LaRocque believes that the JDA should have selected a qualified candidate and created a job.

Albrecht explained that the JDA had not listed their expectations in their bid ad. Kraft explained that the board realized this when they opened up the two bids, that were completely different, how the expectations were not clearly defined.

Trottier questioned the JDA minutes where the bids were opened. Hartl explained that the JDA did not accept a bid, but tabled the bids instead. By tabling them, they rejected both bids. Trottier explained that the lack of clarity in the JDA bid for mowing. He also referenced the opportunity from the April council meeting, when Council member LaRocque had motioned to have the JDA call for mowing bids once again. The council gave the JDA a directive, which they did nothing with. Trottier is concerned what the hang-up is with the JDA ignoring the directive of the governing body.

Hartl explained that the JDA is an enterprise according to the North Dakota Supreme Court. City ordinance permits committee's to contract up to \$2,500 without council approval. The JDA by ordinance can hire professionals and make and execute their own contracts without council approval. This would also allow them to not enter into contracts. Hartl explained that in order to have the city mow the JDA lots, the council would have to authorize that.

Berg questioned if tabling an issue is rejecting or disregarding an issue. Hartl explained that for a motion, it may be tabled however bids are a different procedure. Berg questioned why the JDA then tabled the bids.

Kraft clarified that the reason that the JDA mowing was put out on bids was because an individual had requested the opportunity to mow Chalmers Addition.

There was a motion by LaRocque that the City of Rugby does not mow lots on the Chalmers Addition, if the city has to send out a letter for neglect of mowing that the city will mow the lots at a rate of \$250 per lot and \$250 per lot for weed control, each time the city must mow or provide weed control.

Steinke questioned Stewart as to what the mowing rates are when the city mows residents lots. Hartl explained that the JDA must be treated the same as everyone else. LaRocque then amended his motion to read the City of Rugby does not mow lots on the Chalmers Addition, if the city has to send out a letter for neglect of mowing that the city will mow the lots at a rate of \$200 per lot and \$200 per lot for weed control, each time the city must mow or provide weed control. Second by Lunde.

Berg questioned what the city charges a normal resident per hour when they do not mow their grass. Stewart explained that \$100 per hour is what is charged to the residents and the JDA has been paying \$30 per hour. Stewart explained that a past JDA Director was not satisfied with the higher rate and the \$30 per hour was then arrived at. Munyer explained that since the Chalmers Addition was developed the city has been mowing the vacant lots. Hartl asked if LaRocque would consider amending his motion to reduce the rate to \$100 per hour to treat everyone the same. Munyer estimated that the mowing of Chalmers takes 7-8 hours.

Hartl explained that the city rate schedule is \$100 per hour, while LaRocque's motion is per lot. He suggested that be amended. LaRocque explained that he wants the JDA to create a job. LaRocque amended his motion, the city will not mow the Chalmers Addition and if the lots are neglected by the JDA, the city will notify the JDA by letter to allow them 7 days to mow it. If the JDA fails to mow the lots, the city will mow the lots at a rate of \$100 per hour. Seconded by Lunde, roll call vote, Albrecht-no, Lunde-yes, Kraft-no, LaRocque-yes, Trottier-yes, Berg-yes, motion carried.

Hartl explained that the Muni Code review has made suggestions to add and remove portions of the city code. Hartl requested their contact information so he can speak with them and have them re-revise the ordinances without any of their suggestions. They discussed the cost to publish the changes. Stewart will forward the contact information to Hartl.

The council reviewed policy 340 Phone Reimbursement. This is the policy generated after the vote of the council to reimburse certain employees for cell phone use. There was a motion by Albrecht to approve policy 340 Phone Reimbursement. Second by Trottier, all voting yes, motion carried.

The council reviewed proclamations for Police Week, Emergency Medical Services Week and Arbor Day. There was a motion by Trottier to approve the proclamations for Police Week, Emergency Medical Services Week and Arbor Day. Second by LaRocque, all voting yes, motion carried.

The council reviewed an application for beer license for Kj's Pizza. Hartl indicated the application was in order for approval. There was a motion by Albrecht to approve the Class E Beer License for Kj's Pizza. Second by Lunde, all voting yes, motion carried.

The council considered Chuck Longie's Ward 4 Council resignation. There was a motion by Berg to accept Longie's resignation. Second by Lunde, all voting yes, motion carried.

The council reviewed the Traffic Logix Solar Radar Sign bid. There was a motion by LaRocque to accept the Traffic Logix Solar Radar Sign bid for \$6,298. Second by Lunde, roll call vote, all voting yes, motion carried.

The council considered the designation of The Pierce County Tribune as the official newspaper. There was a motion by Trottier to designate The Pierce County Tribune as the official newspaper. Second by LaRocque, all voting yes, motion carried.

There being no further business to transact or come before the Council at this time, there was a motion by Lunde to adjourn the Council Meeting. Second by Albrecht, all voting yes, motion carried. Meeting adjourned at 9:08p.m.

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Susan Steinke, Mayor

ATTEST: \_\_\_\_\_  
Jennifer Stewart, City Auditor

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Date Approved