

**RUGBY CITY COUNCIL
SPECIAL MEETING
MONDAY, MARCH 23, 2020 – 7:30PM
COUNCIL CHAMBERS
Unapproved**

Council Members present: Albrecht and Berg. Also present were Mayor Steinke, Chief of Police Rose and Auditor Stewart.

Council Members present by phone: LaRocque, Longie and Melgaard. Also present were Attorney Hartl, Troy Munyer, Street and Sewer Supervisor, Greg Boucher, Water Plant Supervisor, Liz Heisey, JDA Executive Director, Dave Schneibel and Bryce Berginski, Pierce County Tribune.

Absent were Kraft, Bednarz and Rheault.

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

Council members recited the Pledge of Allegiance.

Roll call was taken by Steinke.

The Separation Agreement for Officer Denning was the first item on the agenda. Attorney Hartl gave a brief history as to the Administrative Leave of Officer Denning and the meetings thereafter regarding the separation of Officer Denning from the city. Hartl reviewed the terms of the Separation Agreement that Officer Denning, his attorney and the Public Safety committee arrived at. Hartl indicated that Officer Denning returned the city property in his possession to Attorney Hartl. Hartl also indicated that Officer Denning has signed the agreement. There was a motion by Berg to deny the Separation Agreement for Officer Denning. Steinke called for a second to the motion three times. Motion died for lack of a second.

There was a motion by Albrecht to approve the Separation Agreement, based on the fact that Attorney Hartl and Officer Denning's Attorney are in agreement with the Separation Agreement, and that the Public Safety Committee has recommended the Separation Agreement to the council. Second, by Longie. Discussion was held. Berg questioned how the termination date of April 25, 2020 was arrived at, after Officer Denning did not sign the Employee Improvement Plan. Hartl explained that April 25 was used based on payroll dates. The original request from Denning's attorney was to be paid until May 25. Part of the request was for full benefits to be offered through that date as well. Berg questioned if the Employee Improvement Plan was not signed, that Officer Denning could have been terminated.

Hartl explained that it was never agreed that should Officer Denning not sign the EIP, that he would be terminated. Berg questioned why Officer Denning was given 5 days, after being offered the EIP, to sign the document and return to work. Hartl explained that the 5 days were given for Officer Denning to air any grievance he had with the EIP, etc.

Chief Rose indicated that the 5 days was offered as part of the police department's policy. LaRocque questioned Rose if Officer Denning was given a return to work date? Rose explained that he was not given a firm return to work date. He was to attend training in Bismarck and

return to work after that training, which was within the 5 days grievance period. Officer Denning had text Chief Rose the evening after the EIP was proposed and requested changing wording to one paragraph. The paragraph, in the EIP, indicated that Officer Denning would need to contact the Chief of Police or Senior Officer, prior to making an arrest. Denning requested that he not have to contact the Senior Officer. Chief Rose agreed that the EIP could be amended to allow Officer Denning to contact Chief Rose unless he was unavailable, the Senior Officer would need to be contacted prior to an arrest. LaRocque questioned if Chief Rose had attended any staff and command training? Rose indicated he has attended approximately 60 hours' worth of leadership training.

Longie explained that he had asked if Officer Denning not attending the training and signing the EIP if it was grounds for termination, during the Public Safety Committee Meetings. LaRocque agreed that if Officer Denning was not given a return to work date, which he agreed with Attorney Hartl.

Steinke called for any other discussion. There was none. Steinke called for a roll call vote, Albrecht- yes, Berg-no, LaRocque-yes, Longie-yes, Melgaard-yes. Motion carried, 4-1.

The Main Street Initiative Community Action Plan was explained by Heisey to the council. The council reviewed the Letter of Support for the Main Street Initiative Community. Rheault joined the meeting by phone. There was a motion by Albrecht to approve the Letter of Support for the Main Street Initiative Community. Second by Rheault, roll call vote, Albrecht-yes, Rheault-yes, Berg-yes, Longie-yes, Melgaard-yes, LaRocque-yes. Motion carried unanimously.

The Community Development Block Grant Program and Document of Exemption were reviewed by the council. There was a motion by Albrecht to support signature of the Mayor to the Document of Exemption for the Community Development Block Grant Program. Second by Rheault, roll call vote, Albrecht-yes, Rheault-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes. Motion carried unanimously.

The council considered the CDBG Financial Award of \$15,000 for the Comprehensive Land Use Plan. There was a motion by Albrecht to approve the CDBG Financial Award of \$15,000 and sign the documents. Second by Melgaard. Discussion was held that three bids would need to be obtained moving forward. Steinke indicated that Souris Basin would be involved in the solicitation of bids. Steinke called for a roll call vote, Albrecht-yes, Rheault-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes. Motion carried unanimously.

The council considered the request for a letter to concur for ND DOT Project H-3-002(168)209-Rugby Frontage Roads. The portion of the project that the city is estimated to be responsible for is \$14,007.44. This amount equates to 20% of the DOT project. Longie moved to request a letter to concur for the ND DOT Project H-3-002(168)209-Rugby Frontage Roads. Second by Rheault. Steinke called for discussion. There was none. Roll call vote, Albrecht- yes, Rheault-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes. Motion carried unanimously.

There being no additional items on the agenda, there was a motion by Albrecht to adjourn. Second by Longie, motion carried. Meeting adjourned at 7:36pm.

Susan Steinke, Mayor

Attest: _____
Jennifer Stewart, City Auditor

Date