

**RUGBY CITY COUNCIL  
REGULAR MEETING  
MONDAY, DECEMBER 5, 2011 - 7:30 P.M.  
COUNCIL CHAMBERS**

Council Members present: Rheault, Lotvedt, Jacobson, Bednarz, Hoffert, Harmel, Geiszler, and Wentz. Also present were Mayor Cichos, City Attorney Hartl and City Auditor Hauck.

Mayor Cichos called the meeting to order at 7:30pm. Council members recited the Pledge of Allegiance. Roll call of council members by Mayor Cichos.

There were no additions or deletions to the agenda.

Motion by Hoffert to approve the minutes of the November 7, 2011 regular council meeting. Second by Geiszler, all voting yes, motion carried.

The Council reviewed the bill list. Motion by Geiszler to approve the financial statements, payment of the bills, and the bills paid since the last meeting. **Bills paid since last meeting:** 12101 Convention & Visitors Bureau \$8,075.28, 12102 Derek Jaeger \$350.00, 12103 Farmers Union Oil Company \$72.35, 12104 ND Telephone Company \$494.58, 12105 Otter Tail Power Company \$6,410.10, 12106 Postmaster \$264.00, 12107 Rugby Job Authority \$24,546.84, 12108 Tanner L. Jungberg \$150.00, 12109 Postmaster \$275.42, 12110 Rugby Sanitation, Inc. \$17,925.08, Total Regular Bills Paid \$58,563.65, 12111-12139 Payroll Checks \$39,085.53, Soc. Sec \$5,128.11, Medicare Taxes \$1,429.96, Payroll Taxes \$4,670.90, Electronic Total \$11,228.97, 12140 AFLAC \$156.48, 12141 NDPERS \$8,893.28, 12142 Heart of America Health Plan \$1,044.60, 12143 NDPERS \$495.00, 12144 NDPERS \$3,990.69, Total Bills For Payroll \$64,894.55, Grand Total All Bills Paid Since Last Meeting of 11/07/11 \$123,458.20, **Bills to be paid:** 12145 A & C Tire & Truck Repair \$281.70, 12146 A & E Auto Parts, Inc. \$186.47, 12147 Aqua-Pure, Inc. \$1,092.75, 12148 Avenet, LLC \$500.00, 12149 Bartsch Electric, LLC \$120.00, 12150 Black Mountain Software, Inc. \$1,835.00, 12151 Bremer Bank \$3,045.87, 12152 Checkrite of Minot, Inc. \$32.00, 12153 D & S Motors, Inc. \$49.70, 12154 Dan Volk \$100.00, 12155 Environmental Equipment \$1,172.57, 12156 Ethanol Products, LLC \$917.94, 12157 Galls, an Aramark Company \$110.98, 12158 Gary Laughridge \$133.00, 12159 Glenko Enterprises, LTD \$1,694.89, 12160 Graymont Western Canada \$4,373.92, 12161 H.E. Everson Co., Inc. \$57.52, 12162 HACTC \$5,528.36, 12163 Hawkins, Inc. \$279.00, 12164 Hi-Way Tesoro \$2,188.16, 12165 Johnson's Plumbing Service \$150.82, 12166 Karla Harmel \$112.00, 12167 Lotvedt Lumber, Inc. \$3.12, 12168 M.J. McGuire Company \$919.55, 12169 MARC \$1,008.00, 12170 Mark Krogstad \$100.00, 12171 Municipal Gov. Academy \$15.00, 12172 ND League of Cities \$75.00, 12173 ND One Call Concepts, Inc. \$16.90, 12174 ND Public Health Laboratory \$48.00, 12175 ND Water Users Association \$300.00, 12176 Northern Equipment, Inc. \$19,309.00, 12177 Northern Plains Electric Coop. \$2,023.46, 12178 Pamida, Inc. \$199.80, 12179 Petty Cash \$179.53, 12180 Pierce County Auditor \$2,208.33, 12181 Pierce County Tribune \$416.30, 12182 Pioneer Mutual Life Ins. Co. \$150.50, 12183 Portraits by Misti \$30.00, 12184 Power Plan \$79.16, 12185 Rick Larson \$400.00, 12186 Rugby Eagles \$75.00, 12187 Rugby Hardware Hank \$1,132.65, 12188 Rugby Sanitation, Inc. \$127.00, 12189 Rugby Veterinary Service \$132.60, 12190 Sharon Peterschick \$163.20, 12191 SRT Communications, Inc. \$28.98, 12192 Thrifty White Drug \$35.46, 12193 Verizon Wireless \$166.73, 12194 Vessco, Inc. \$198.01, Total Bills Submitted For Approval \$53,503.93. Second by Wentz. Roll call vote: all voting yes, motion carried.

Mayor Cichos called for a vote to approve the Municipal Judge's Report for November 2011. All voting yes, motion carried.

The second reading was held for Ordinance No. 377 – Pit Bull Dogs: Prohibited. Mrs. Gibbs, a Rugby resident, was present at the meeting. She has a pit bull that is very well-mannered and she has never had any problems with her. Councilman Lotvedt asked her for suggestions on how to keep the residents of Rugby safe from these types of dogs that aren't as well-mannered as hers. Mrs. Gibbs suggested it be mandatory to get pit bulls neutered. Councilman Geiszler suggested implementing a clause to allow any licensed pit bulls currently living in Rugby to be grandfathered in. City Attorney Hartl updated the council on the recent pit bull issue where a child was bitten as they were riding their bike past the residence where the pit bull was kept. Motion by Jacobson to allow pit bulls currently in the city as of December 5, 2011, to be grandfathered in and be exempt from the new ordinance as long as they are licensed. Second by Bednarz. Councilman Bednarz also mentioned this ordinance will prohibit residents from raising and breeding pit bulls in city limits. Roll call vote: all voting yes, motion carried. Since a grandfathering clause will be added to the ordinance, a second reading will occur at the January regular council meeting.

The second reading was held for Ordinance No. 378 – Limitations on Fireworks. Motion by Hoffert to pass the ordinance, a copy of which is attached. Second by Lotvedt. Roll call vote: all voting yes, motion carried.

The second reading was held for Ordinance No. 379 – Use of Fire Pits. Motion by Bednarz to pass the ordinance, a copy of which is attached. Second by Lotvedt. City Auditor Hauck discussed finding an existing ordinance similar to the proposed new ordinance and wondered if the new one is needed. Mayor Cichos stated it would be good to address the fire pit issue in both sections of the ordinance book. Roll call vote: all voting yes, motion carried.

City Auditor Hauck presented a Resolution for Annexing Chalmer's First Addition into the City of Rugby. Motion by Arland to approve the resolution. Second by Jacobson, all voting yes, motion carried.

City Auditor Hauck discussed a price quote received for \$5,700 for new Black Mountain Software, which was included in the 2012 budget. The price quote included an automatic bank withdrawal system to automatically deduct utility payments from resident's checking accounts if they choose to do so. The quote also included a cash receipting system so receipts and depositing slips can be printed right away. Councilman Hoffert questioned the annual fee. Councilman Jacobson explained the annual fee is for maintenance and support and is very typical with software companies. Motion by Hoffert to move forward with the software. Second by Harmel. Roll call vote: all voting yes, motion carried.

The Council reviewed updated Fire Hall Plans received from the architect. Councilman Bednarz explained the differences in the three plans. Bednarz also stated that soil samples were taken at the site last week so we should have the results from those soon. Mayor Cichos reported the abstract is still not finished. Once it's complete, the City will pay the remaining amount for the land.

Discussion was held on a proposed new junk ordinance. City Auditor Hauck received a copy of an ordinance from Wilton, ND that addresses properties containing lots of junk. Mayor Cichos referred the language to the ordinance committee to look at and bring to the next council meeting.

Councilman Jacobson reported that discussion was held at the Finance Committee regarding the possibility of consolidating City checking accounts. Motion by Geiszler for Mayor Cichos and City Auditor Hauck to go to each bank to see what benefits they can give the City. Second by Lotvedt, all voting yes, motion carried.

Mayor Cichos stated that the January Council Meeting would fall on Monday, January 2, 2012, on which city offices are closed. The council agreed to leave the meeting as it is.

City Attorney Hartl reviewed the following liquor and beer licenses submitted for 2012: Class A license, "on-sale only" beer and liquor to the American Legion Club; Class B license, "off-sale only" to Gryphon Limited (dba Gryphon Liquors); Class C license, "on and off sale" beer and liquor to Jester's Lounge LLC, Lee's Bar, and Cormet, Inc. (dba Crooks Lounge), Third Street Station; Class D license, "on and off sale" beer and liquor at a restaurant to Dakota Lodging, Inc. (dba Dakota Farms); and Class E license, "on sale only" beer to Hart Management (dba Pizza Hut), and the Coffee Cottage. Motion by Jacobson to approve the licenses. Second by Wentz, all voting yes, motion carried.

City Attorney Hartl reviewed an application for the Barton Sportsmans Club Raffle. Motion by Geiszler to approve the application. Second by Harmel, all voting yes, motion carried.

City Attorney Hartl reviewed an application for the Rugby Panther Boosters – 50/50 Drawings. Motion by Hoffert to approve the application. Second by Jacobson, all voting yes, motion carried.

City Attorney Hartl reviewed an application from Jesters for 2AM Closings on 12/24/11 & 1/1/12. Discussion was held on the possibility of eliminating the 2AM closing permits. Police Chief Rose stated that he hasn't had any problems with the 2AM closings in the past. Motion by Lotvedt to approve Jester's application. Second by Wentz, all voting yes, motion carried.

Committee Reports: **Public Safety** – no report. **Finance** – Chairman Jacobson discussed the possibility of selling a piece of land owned by the City. Mayor Cichos suggests either to sell the entire piece or not sell at all because it would be too costly to split it out. The reason the land was purchased originally was for drainage purposes. Councilman Hoffert suggested the land be bid with the stipulation that the plotting fees be paid by the buyer. Councilman Wentz would like to discuss what the benefits are for the City to keep the land. Chairman Jacobson reported that the City of Rugby is land-locked. It would be nice to see the City grow but there are no places to build in the City. Motion by Lotvedt to table the issue. Second by Wentz, all voting yes, motion carried. Councilman Geiszler reported that he and Councilman Hoffert are working with the County regarding a new contract for the Heart of America Correctional Center. Geiszler suggested that the current contract is outdated and the contract is not being followed. Councilman Hoffert hopes to have a sit-down meeting with the County soon to hash out the details. **Ordinances/Rec** – no report. **Water/Streets/Sewer** – Chairman Wentz reported there are only a couple of residential water meters left to be changed. A permit was obtained to burn the city wood pile, which was done last week. The new tractor and snowblower have been delivered. Snow emergency routes have been given to the street crew and the policemen. Motion by Wentz to change the commercial and residential sewer rates from \$4.50 to \$6.00. Second by Lotvedt. Roll call vote: all voting yes, motion carried. Motion by Lotvedt to change the hotel sewer rate from \$0.25/room/month to \$1.50/room/month. Second by Jacobson. Roll call vote: all voting yes, motion carried. Motion by Geiszler to change the

campground sewer rate from \$1.50/site used/month to \$3.00/site/month for the months of June through October, regardless of whether or not anyone has hooked up. Second by Lotvedt. Roll call vote: all voting yes, motion carried. **Personnel** – Councilman Geiszler reported that vacation and sick leave was discussed. Comp time was also discussed. A lengthy discussion followed regarding the use of comp time. Motion by Bednarz to disallow comp time starting January 1, 2012. Second by Harmel. More discussion followed. Councilman Jacobson called for a vote. Roll call vote: all voting yes, except for Hoffert who voted no, motion carried. **Buildings/Property** – Chairman Bednarz reported the rubber matting is down in the Armory. The floor should be painted on Friday afternoon and should be ready to be used by Monday.

The Council reviewed correspondence received: Relay for Life saying thank you for the Turkey Trot, Robert Walls resignation letter, and a letter from the Heart of America Library. Mayor Cichos reported on a letter received from Randy Deckert concerning the landfill. Cichos stated there was a misunderstanding regarding tree trunks. The landfill is controlled by the State Health Department and the landfill is not allowed to take certain things.

Mayor Cichos reminded everyone that city offices will be closed on December 26, 2011 to observe the Christmas Holiday.

Meetings this month: Planning and Zoning Commission Meeting on December 12 at 7:30pm; Committee Meetings on Wednesday, December 21 – Public Safety 9am, Finance at 10am, Ord/Rec at 11am, Water/Streets/Sewer at 1pm, Personnel at 2pm, Buildings/Property at 3pm.

There being no further business to transact or to come before the Council at this time, Mayor Cichos adjourned the meeting at 9:07pm.