

**RUGBY CITY COUNCIL  
REGULAR MEETING  
MONDAY, JANUARY 2, 2012 - 7:30 P.M.  
COUNCIL CHAMBERS**

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

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 December 5, 2011 regular council meeting. Second by Wentz, all voting yes, motion carried.

The Council reviewed the bill list. Motion by Lotvedt to approve the financial statements, payment of the bills, and the bills paid since the last meeting. **Bills paid since last meeting:** 12195 B & M Laundry Service \$112.32, 12196 Brenda Foster \$100.00, 12197 Convention & Visitors Bureau \$10,034.83, 12198 Farmers Union Oil Company \$4,801.68, 12199 Heart of America Library \$9,825.13, 12200 ND Telephone Company \$488.98, 12201 Otter Tail Power Company \$9,970.20, 12202 Rugby Insurance Agency \$92.00, 12203 Rugby Job Authority \$18,694.77, 12204 Rugby Park District \$21,556.70, 12205 Tyson or Sarah Twamley \$14.29, 12206 Gerrells & Company \$53,075.00, 12207 Postmaster \$279.14, 12208 Rick Larson \$100.00, 12209 Rugby Sanitation, Inc. \$19,797.48, 12210 USA Blue Book \$834.14, Total Regular Bills Paid \$149,776.66, 12211-12246 Payroll Checks \$39,109.34, Soc. Sec \$4,999.72, Medicare Taxes \$1,394.20, Payroll Taxes \$3,762.42, Electronic Total \$10,156.34, 12247 AFLAC \$156.48, 12248 NDPERS \$8,893.28, 12249 Heart of America Health Plan \$1,044.60, 12250 NDPERS \$495.00, 12251 NDPERS \$3,567.35, 12252 State Tax Commissioner \$1,403.61, Total Bills For Payroll \$64,826.00, Grand Total All Bills Paid Since Last Meeting of 12/05/11 \$214,602.66,

**Bills to be paid:** Bills To Be Paid Out of 2011 Budget: 12253 Felice Anderson \$69,000.00, 12254-12260 Checks held for late 2011 Bills , 12261 A & E Auto Parts, Inc. \$358.00, 12262 Bobcat of Devils Lake \$520.00, 12263 Bremer Bank \$3,045.87, 12264 Chamber of Commerce \$150.00, 12265 Glenko Enterprises, LTD \$1,690.12, 12266 Graymont Western Canada \$4,361.60, 12267 H.E. Everson Co., Inc. \$54.88, 12268 Hawkins, Inc. \$1,884.09, 12269 J.P. Cooke Company \$61.63, 12270 Johnson's Plumbing Service \$148.88, 12271 Leever's Foods \$21.04, 12272 Maintenance Engineering, LTD \$102.83, 12273 Municipal Finance Officers Assn. \$90.00, 12274 North Central Printing, Inc. \$46.00, 12275 Pamida, Inc. \$102.76, 12276 Petty Cash \$84.86, 12277 Pierce County Auditor \$2,208.33, 12278 Pierce County Tribune \$580.40, 12279 Pioneer Mutual Life Ins. Co. \$150.50, 12280 Postmaster \$190.00, 12281 Power Plan \$4,643.10, 12282 Premier Lube & Tire \$34.55, 12283 Quill Corporation \$61.14, 12284 Ron Solem \$194.94, 12285 Rugby Hardware Hank \$240.18, 12286 Rugby Lumber, Inc. \$94.72, 12287 Rugby Sanitation, Inc. \$127.00, 12288 Rugby Veterinary Service \$265.20, 12289 SRT Communications, Inc. \$28.98, 12290 Swanston Equipment Corp. \$46.55, Total Bills Submitted For Approval \$21,588.15, Second by Rheault. Roll call vote: all voting yes, motion carried.

Motion by Hoffert to approve the Municipal Judge's Report for December 2011. Second by Geiszler, all voting yes, motion carried.

City Attorney Hartl entered the room at 7:32pm.

The Council reviewed the JDA Minutes, Financial Statements, and 2012 Budget. Motion by Lotvedt to approve the 2012 JDA Budget. Second by Geiszler, all voting yes, motion carried.

The second reading was held for Ordinance No. 377 – Pit Bull Dogs: Prohibited. City Auditor Hauck added letter (f) to the ordinance to allow grandfathering in of pit bulls that resided in city limits prior to December 5, 2011. City Attorney Hartl approved the language that was added. Motion by Geiszler to approve the second reading. Second by Hoffert, all voting yes, motion carried.

The second reading and the hearing were held for the resolution to annex Chalmer's First Addition into the City of Rugby. Motion by Wentz to approve the resolution. Second by Lotvedt, all voting yes, motion carried.

Discussion was held regarding the cost responsibilities for the development of Chalmer's First Addition. Brenda Foster, JDA Executive Director, was present. Foster described the purchasing, surveying and legal fees associated with the land. A possible easement is needed between the apartment buildings on Country Road to get sewer to the new addition. Foster has a list of five people that are interested in lots. Councilman Jacobson discussed needing a plan and which entity should take the lead on the project, JDA or the City. A lengthy discussion was held. Mayor Cichos stated he would like to see the City take the lead. City Attorney Hartl stated that Requests for Proposals (RFPs) should be sent out to engineering firms to get ideas for project costs. Motion by Geiszler for the city to take the lead on making decisions. Second by Lotvedt. More discussion was held regarding the costs for infrastructure to be passed on to the purchaser. Roll call vote: all voting yes, motion carried.

Mayor Cichos discussed the 2012 Community Development Block Grant that the City could apply for in relation to either the Fire Hall or the development of the new addition. City Auditor Hauck mentioned that in order to qualify for the grant, at least 51% of all benefiting from the project must be low to moderate income. The 2010 Census information has not yet been released with this detail, thus a study would have to be conducted costing roughly \$1,000 to \$2,000. Mayor Cichos requested the discussion be tabled until the February Council Meeting.

Further discussion was held regarding the new land addition and the need for RFPs. Motion by Hoffert to send an RFP to two engineering firms. Second by Lotvedt, all voting yes, motion carried. Mayor Cichos requested volunteers for a committee to head up this project. Lotvedt volunteered as chairman. Cichos requested Jacobson and Bednarz also be on the committee.

Fuel bids were received and opened. Farmers Union Oil bid gasoline and diesel from the pumps at a 7 cent discount off the pump price, diesel and gasoline delivered from the bulk truck at a 12 cent discount off the daily price and propane at a 10 cent discount off the daily price. Harper Oil bid #2 diesel delivered at a 10 cent discount off the daily price and a 10 cent discount off the pump price for gasoline and diesel. Hi-way MVP Tesoro submitted a bid for a 7 cent discount off the pump price for gasoline and diesel.

Councilman Harmel left the meeting.

Police Chief Rose stated he was concerned about Harper Oil's hours and the police being able to fill in the off hours. A short discussion followed. Motion by Hoffert to fill at Harpers for six months and Farmers Union Oil for six months. Second by Rheault, all voting yes, motion carried.

A tax abatement was received for the Jehovah's Witnesses property. City Auditor Hauck received a call from Jerry Socha who previously owned the property. Socha sold it to the Jehovah's in January, 2011, but he received the tax statement for the property and paid it without realizing which property it was. The Jehovah's are going to reimburse Socha for the total taxes he paid. Also, once the Jehovah's put a building on the land, which was in August 2011, the property becomes tax exempt. The abatement is requested for August through December 2011. Motion by Jacobson to approve the tax abatement. Second by Bednarz, all voting yes, motion carried.

City Attorney Hartl presented a variance request by Jim Rocheleau. Rocheleau has requested to construct an RV park on Felice Anderson's land, which is adjacent to the land rented by Lucy Fossum. Jay Burkhartsmeier, Planning and Zoning Commission President, was present. Burkhartsmeier reported that the Planning and Zoning Commission approved a 100 foot line north and south from Fossum's house. An affidavit was received from Felice Anderson stating a 100 foot arc around Fossum's house would be sufficient. Rocheleau stated that the 100 foot arc would work for him but the 100 foot north and south line would not work. A lot of dirt would have to be moved which would make the ground too soft for the heavy camper units that would use the lots. Burkhartsmeier stated the variance is considered a conditional use permit. Burkhartsmeier met with Felice Anderson at the proposed site. Hartl reported that the statements that Attorney Galen Mack prepared in the affidavit are not the same as what Anderson told Burkhartsmeier at that meeting. More discussion followed. Motion by Jacobson to go with the Planning and Zoning Commission's recommendation of a 100 foot set-back from the house in a line running north and south. Second by Geiszler. Roll call vote: all voting yes with the exception of Bednarz who voted no, motion carried.

City Attorney Hartl looked over a variance request from Anthony Shomento. Hartl stated everything was in order. The request is to allow a garage to be constructed 16 feet closer to the curb than currently allowed by ordinance. The Planning and Zoning Commission approved the variance and conducted a hearing. Motion by Hoffert to approve the variance request. Second by Wentz, all voting yes, motion carried.

Councilman Hoffert presented quotes from three vendors regarding a new police vehicle. The state bid for a 2012 Ford Expedition is from Hatton Ford at \$29,153. The state bid for a 2012 Chevy Tahoe is from Pfeifle Chevrolet in Wishek at \$31,112. D & S Motors in Rugby submitted a bid for the same Tahoe at \$31,800. McGuires was also contacted but did not submit a bid. Motion by Hoffert to accept the bid from D & S Motors for \$31,800. Second by Geiszler. Councilman Bednarz asked why the bid from D & S changed from what they had previously bid. It was forgotten that an item needed to be taken off. The bid assistance was also changed. Roll call vote: all voting yes, motion carried.

Discussion was held on the drainage ditch. The ditch was burned and mowed down. Councilman Lotvedt reported that B & J Excavating quoted a price of \$2,499 to dredge a trench to allow the water to flow. The city crews would take care of moving the dirt. Motion by Jacobson to allow B & J Excavating to dredge a path. Second by Hoffert, all voting yes, motion carried.

Mayor Cichos stated a voting place needed to be designated for 2012 and 2013. Motion by Jacobson to designate the Armory as the 2012 and 2013 voting place. Second by Lotvedt, all voting yes, motion carried.

The Council reviewed the Pledge of Securities. Motion by Jacobson to approve the pledges. Second by Wentz, all voting yes, motion carried.

Councilman Geiszler requested updates on the automatic bank withdrawals (ACH) for water bills and status on the banks. City Auditor Hauck reported that there are some issues with the possibility for ACH payments, but the software company is working with Merchants to solve those problems. It was decided to wait until May to speak to the banks regarding checking accounts until the auditors have come and their input was received.

Jay Burkhartsmeier stated that he heard that there were going to be buildings moved onto some lots on the east side of town. The ordinance states that any building being moved onto property in town needs to be inspected by the building inspector and by the two councilmen of the ward where the building is to be moved. The city auditor will then need to send an approval letter.

Committee Reports: **Public Safety** – Chairman Hoffert reported that he and Committee Member Geiszler will be meeting with the County Commissioners on January 16, 2012, regarding the Law Enforcement Center. **Finance** – no report. **Ordinances/Rec** – no report. **Water/Streets/Sewer** – no report. **Personnel** – Mayor Cichos reported that sick leave and vacation leave was discussed. Also, police hours were changed in the formula for computing hourly wages from 2,190 hours to the normal 2,080 per year. **Buildings/Property** – Chairman Bednarz presented a new plan for the fire hall. All parties have agreed with the plan. The building is 80' x 120' with an option 20 foot bay to the west. Councilman Lotvedt drew up the plans and sent them to the architect.

Mayor Cichos reminded everyone that city offices will be closed on January 16, 2012 to observe the Martin Luther King, Jr., Holiday.

Meetings this month: Planning and Zoning Commission Meeting on January 12 at 7:30pm; Committee Meetings on Wednesday, January 18 – 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 9:10pm.

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Dawn Hauck, City Auditor

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Date Submitted

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David C. Cichos, Mayor

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Date Approved