

**REGULAR RUGBY CITY COUNCIL MEETING MINUTES**  
**MONDAY, NOVEMBER 2, 2020– 7:30PM**  
**COUNCIL CHAMBERS AND BY GOTOMEETING**

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

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

Council members recited the Pledge of Allegiance.

Roll call was taken by Steinke.

There was a motion by Albrecht to approve the agenda as presented. Second by Albrecht, motion carried.

The council considered the October 5, 2020 meeting minutes. There was a motion by Kraft to approve the minutes of the October 5, 2020, regular council meeting. Second by Trottier, all voting yes, motion carried.

Bills Paid Since Last Meeting of 10/5/2020 \$ 161,405.32

20908 MBF Drain Tile Systems LLC	\$2,500.00
20909 Associated Supply Co	\$545.56
20910 B & M Laundry	\$32.35
20911 Big State Industrial Supply Inc.	\$215.40
20912 Convention & Visitors Bureau	\$1,683.38
20913 Convention & Visitors Bureau	\$4,647.73
20914 David Bednarz	\$74.75
20915 Envision	\$298.37
20916 Jeremiah Farmer	\$300.00
E-Ck Job Service ND	\$24.01
20917 John Deere Financial	\$110.19
E-Ck J. P. Morgan / P-Card	\$157.45
20918 Lynae Voeller	\$360.97
20919 MaxAir LLC / Jemco	\$707.87
20920 Medico	\$141.00
20921 ND Dept. of Health	\$270.12
20922 ND Telephone Co	\$871.35
20923 Otter Tail Power Company	\$8,296.87
20924 Pierce County Tribune	\$466.94
20925 Portraits by Misti	\$120.00
20926 Rugby Job Authority	\$23,578.75
20927 State Tax Commissioner	\$232.10
20928 State Water Commission	\$6,867.45
20929 Valli Information Systems	\$635.69
20930 Verizon Wireless	\$80.02
E-Ck Wex Bank	\$522.92

ACH	Wells Fargo / Dist. 2013-1	\$21,345.00
ACH	Payroll Checks	\$46,096.88
ACH	Social Security	\$7,477.06
ACH	Social Security	\$82.03
ACH	Medicare	\$1,748.70
ACH	Medicare	\$19.18
ACH	Payroll Taxes	\$5,442.45
ACH	Payroll Taxes	\$104.36
20931	AFLAC	\$971.77
ACH	NDPERS	\$410.00
ACH	NDPERS	\$7,508.07
ACH	Sanford Health / NDPERS	\$15,349.92
20932	Elizabeth Heisey	\$1,108.66

Grand Total All Bills Submitted for 11/2/2020: \$334,057.71

20933	3D Specialties Inc.	\$2,787.90
20934	ACME Tools	\$1,174.90
20935	Advanced Engineering	\$38,020.76
20936	B & J Excavating Inc.	\$171,758.50
20937	Bartsch Electric LLC	\$48,000.00
20938	Brad Radomski	\$700.00
20939	Chamber of Commerce	\$70.00
20940	Circle Sanitation Inc.	\$33,999.54
20941	Core & Main	\$933.16
20942	First District Health Unit	\$75.00
20943	Glenko Enterprises	\$1,911.28
20944	Graymont Western Canada Inc.	\$5,051.25
20945	H. E. Everson	\$114.14
20946	Harper Oil Company	\$1,377.75
20947	HAMC	\$403.49
20948	Integrated Process Solutions (IPS)	\$250.00
20949	Jessica Mueller	\$90.00
20950	Johnson's Plumbing	\$239.04
20951	Josey Munson	\$76.50
20952	MARC	\$1,087.00
20953	ND One Call Concepts	\$44.40
20954	Newman Signs	\$1,252.38
20955	Petty Cash	\$56.15
20956	Pierce County Auditor	\$3,412.50
20957	Pomp's Tire Service Inc.	\$9,892.36
20958	Precision Autobody & Glass	\$80.80
20959	Rebecca Jordan	\$340.00
20960	Robert Spallinger	\$1,810.26
20961	Rugby Fire Department	\$2,057.89
20962	Rugby Hardware Hank	\$843.44
20963	Rugby Lumber	\$69.30

20964 Rugby Service Center	\$991.25
20965 Rugby Veterinary Service	\$378.60
20966 Sanitation Products	\$1,902.11
20967 Schaan Oil Co	\$246.90
20968 Scott Bommersbach	\$300.00
20969 Snap-On-Tools	\$44.50
20970 Streichers Inc.	\$238.57
20971 Team Laboratory	\$1,546.50
20972 Verizon Wireless	\$429.59

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

The financials and budget transfers and amendments were reviewed by the council. Stewart presented the cash report, expenditure report and revenue report to the Council. Stewart presented a transfer from the General Fund to 2010 Hwy & Streets Fund in the amount of \$25,000. This is due to the decrease in Highway Tax Revenue. Stewart then presented budget amendments for a total of \$193,589.56 in amendments. There was a motion by Albrecht to approve the financials the transfer from the General Fund to 2010 Hwy & Streets Fund in the amount of \$25,000 and a total of \$193,589.56 in budget amendments as presented. Second by Trottier, roll call vote, Albrecht-yes, Lunde-yes, Kraft-yes, Bednarz-yes, Berg-yes, LaRocque-yes, Longie-yes, and Trottier-yes, motion carried.

The council considered the October 2020 Municipal Judges Report. There was a motion by Berg to approve the October 2020 Municipal Judges Report. Second by Albrecht, all voting yes, motion carried.

Eric Christianson, Heart of America Medical Center CEO, addressed the council regarding COVID-19, the community and the hospital and clinic facilities. He read aloud a letter written by a nurse regarding COVID-19. Christianson explained data regarding wearing a mask to mitigate the spread of COVID-19.

Kraft questioned how Christianson believes that the Haaland Home, which had been COVID free, became infected. Dustin Hager, HAMC PA-C, explained that they cannot track back specifically how COVID was brought in to the Haaland Home. Employees are out in the community when not working and could bring the virus in before they even have symptoms, which leads to infection. Hager explained some of the complications and organ failure they have seen with the COVID-19 virus.

Kraft questioned the local hospitalization rate. Christianson and Hager explained that they are averaging 5-8 inpatient patients daily at the care center. Christianson suggested that approximately 10% of the local COVID positives could be hospitalized.

Dr. Josalynne Hoff, HAMC physician, addressed the council. She gave examples of emergency care and the need to transport patients out, but having nowhere to transfer the patients. They are

currently doing what they can to assist patients, but at some point some patients need specialized care. Hoff explained some of the specialties that HAMC cannot assist.

Christianson explained the hope he has that COVID positive staff would be allowed to care for COVID positive patients. This would help HAMC retain enough staff to continue to care for patients; however this has not been approved by the State yet.

LaRocque suggested that Christianson, Hager and Hoff get on the radio and interview with the local newspaper to help get information out on how COVID is affecting our local area. Lunde commended the three for the jobs they do and would like to see a mask mandate in the city.

The council discussed with Christianson, Hager and Hoff the virus and the immunity that you may or may not have after having it. They discussed different types of masks and the effectiveness and ineffectiveness of each.

Munyer explained that the Health Department wants the Public Works Department to sample waste water for COVID sampling. He explained that when they open the hatch to the waste water, there are water droplet clouds. He questioned Christianson as to the hazard of this to the Public Works employees. Christianson explained he does not know what amount of virus would be in the water coming out of the waste water hatch. He strongly recommended that Public Works secure proper PPE before doing this sampling.

Hager questioned what the benefit of the analysis of the waste water sampling will yield. He strongly encouraged the city to find out what usable data would be produced by the sampling. He recommended that if there is not any beneficial data, that the city not participate in the sampling.

Zachary Gasskjolen, Brosz Engineering, addressed the council to update them on the ND DOT Hwy 3 project that will take place in 2021. This will take place along Hwy 3 from 6<sup>th</sup> St SW, North under the railroad underpass and then west out of town. Gasskjolen discussed the city water and sewer lines that will be replaced under Hwy 3. The project will address the storm sewer drainage. Brosz will be forwarding right-of-way documents to the city in the next week or so for consideration. The city will be responsible for a prorated portion of the storm sewer. Jim Olson, AE2S, questioned Gasskjolen about the 2 ½ Ave & 6<sup>th</sup> St Project in conjunction with the Hwy 3 Project to ensure that both projects can be complete without causing interference. Gasskjolen will be at the December Council Meeting to answer any questions regarding the easement documents he will be mailing next week.

Olson explained a drawing of the McGuires area and the utility lines that will be addressed with the 2 ½ Ave & 6<sup>th</sup> St project. Kraft questioned if water, sewer and storm utility lines would all be addressed in this project. Olson acknowledged that yes all three would be replaced which would cause the street from gutter to gutter to be opened and replaced. Olson explained that USDA will only pay for 10' of the street above the line replacement. With three lines being replaced the hope is that the entire street width will be covered by the USDA.

Olson explained that the State Revolving Loan Funds were applied for the Drinking Water SRF. He will be meeting with Public Works and applying for the Clean Water SRF. He explained the ranking structure that the SRF uses to prioritize projects that cities submit.

Olson explained that he and Greg Boucher had gone out along the raw water line, from the wells to the plant, and popped the manholes and checked the air valves along the line. He explained that they found most of them. They will go back out to find the missing ones. Olson explained that the Council, in the future, will need to look at how they want to replace the raw water line. The current line is asbestos cement and beginning to fail. Olson provided the Mayor with a booklet of photos of the air valves that he and Boucher inspected.

The council considered the Convention and Visitors Bureau minutes, financials and budget. There was a motion by Albrecht to approve the CVB minutes, financials and budget. Second by Lunde, all voting yes, motion carried.

The council considered the JDA minutes and financials. There was a motion by Albrecht to approve the JDA minutes and financials. Second by Lunde, all voting yes, motion carried.

Renaissance Zone Committee: Steinke explained that the committee has revised the application for Renaissance Zone. There was a motion by Kraft to approve the amended Renaissance Zone Application. Second by LaRocque, all voting yes, motion carried.

Recreation Committee: Bednarz explained the disappointment of the drain tile installation. He explained that on the east side of Diamond 1, the contractor did not put in pea rock. He laid the tile in and filled it in with dirt. The committee talked to Austin Harles, MBF Drain Tile Systems and asked him to put the tile in with pea rock as the estimate had stated. Harles drafted an email to ensure that the line he put in without the pea rock he will stand behind if it doesn't work and repair it if we are not satisfied at no additional cost to the city. Harles has indicated he will return in the spring to complete the restoration of the grounds.

Bednarz also explained that Harles is renting the city Bobcat, because he did not have one. NDTTC has contacted the city in regards to their line being cut by Harles on the ball diamonds.

Finance Committee: Steinke explained that the committee has made a recommendation that the city cease paying \$.50, for each residential garbage tote, effective January 1, 2021 and pass that cost onto the residential customer. Kraft gave the history of how the \$.50 cent payment per tote, by the city came about in 2020.

Berg questioned the Circle Sanitation Contract that read that Circle will provide 10, 30 yard roll offs for compost. Stewart explained that last year Circle substituted the 10 roll offs for compost we did not use for 10 roll offs for City Wide Clean-up.

There was a motion by Albrecht to that the city cease paying \$.50, for each residential garbage tote, effective January 1, 2021 and pass that cost onto the residential customer. Second by Lunde, roll call vote, all voting yes, motion carried.

Ordinance Committee: Chairman Kraft explained that they had reviewed the Ag District Zoning.

Public Works Committee: Steinke explained that the COVID Waste Water Sampling that the state has requested Public Works to complete is voluntary. There was a motion by LaRocque to not participate in the voluntary COVID Waste Water Sampling. Second by Bednarz, all voting yes, motion carried.

Bednarz explained that the manhole on 6<sup>th</sup> Street on the West side of Main Ave has been repaired. They are currently looking for dump trucks, to replace existing trucks that are in need of retirement.

Bednarz explained that he visited with Dr. McNeff, Rugby Public Schools Superintendent, who has asked the city to remove snow on 3<sup>rd</sup> Ave SE, the west side of Ely Elementary. This is the avenue that was previously vacated and now owned by the school district. There was a motion by Trottier to have the Public Works Department remove the snow and charge the school district for the services, until the school permanently closes the street. Second by Lunde, all voting yes, motion carried.

Steinke explained that Kalia Borgen has requested that the No Parking Sign added in front of her home be moved to allow her one parking space in front of her home. Her property is adjacent to the new alley the school developed. Munyer and Chief Rose will evaluate this and make necessary adjustments.

Public Safety Committee: Chairman Longie explained they had discussed the Police Report, conducted an interview for a Police Officer position and discussed the traffic and parking around Ely Elementary.

Building: Bednarz explained that they are still working on the USDA application for Armory Renovations.

Land Rental Bids were opened and reviewed by the Mayor and City Attorney.

The council held the second reading of Ordinance 429- General Provisions, adding modular and manufactured homes regulations as to what zones they will be allowed as well as shipping containers. There was a motion by Albrecht to approve the second reading of Ordinance 429. Seconded by Lunde, all voting yes, motion carried.

The second reading of Ordinance 430 – Definitions of Mobile Homes and or manufactured home as well as modular homes. There was a motion by Kraft to approve the second reading of Ordinance 430- Definitions. Second by Albrecht, all voting yes, motion carried.

The council considered Resolution 2020-5 Pierce County Emergency Operation Plan. There was a motion by Albrecht to approve Resolution 2020-5 Pierce County Emergency Operation Plan. Second by Lunde. Trottier questioned Appendix 4 of the Emergency Operation Plan, in regards

to mass gatherings. He inquired if these requirements align with the state as well as the EOP low, moderate and high risks. Steinke explained that they could be more restrictive than the state, but not less restrictive. Trottier wants to ensure that our EOP and the state requirements are comparable. There was a motion by Kraft to table Resolution 2020-5 Pierce County Emergency Operation Plan. Second by Berg, all voting yes, motion carried.

Steinke explained that one bid was received today, which was not received by the October 30 deadline. There was a motion by Lunde to reject the late bid. Second by Kraft, all voting yes, motion carried.

Steinke explained that there are two bids on one of the parcels for the same dollar amount. Both individuals will be given an opportunity to rebid the parcel. There was a motion by Berg to allow the Mayor to award the high bid, for the rebid of the parcel. Second by Lunde, roll call vote, all voting yes, motion carried.

The council reviewed the high bids for the balance of the parcels that received a bid. There was a motion by Lunde to accept the high bids on each parcel. Second by Trottier, roll call vote, all voting yes, motion carried.

Steinke explained that two parcels were not bid on. There was a motion by Lunde to put the two parcels out for bids. Second by Kraft, all voting yes, motion carried.

The council reviewed Resolution 2020-6 Face Covering Encouragement- COVID-19. Trottier questioned where Pierce County stood on this topic. Steinke explained that they have been very quiet. Trottier feels that the word “encouragement” does not give decisive direction regarding mask usage. He feels that the key word is “mandate”. Lunde believes that a mandate is necessary. Bednarz also voiced his agreement, after hearing from the HAMC staff, that a mandate for masks is necessary.

Steinke read aloud the portion of the resolution that listed an expiration of the resolution after 60 days. LaRocque, Bednarz, Trottier and Lunde agreed that the word “encouragement” be removed from the document and replaced with the word “mandate”.

The council discussed many scenarios of businesses and individuals wearing or not wearing a mask around the community. Berg explained that the council does not tell business’s who they can and cannot allow in their business. Hartl explained that a fine cannot be assessed, with a mask mandate, without a judicial remedy. The council may mandate masks but cannot enforce it. Hartl suggested that the word “encourage” may be less threatening than the word “mandate”.

The council continued to discuss “encouragement” and “mandate”. They suggested other words instead of “encouragement”. Trottier explained that the council does not even social distance. Longie, who was in attendance by GOTOMEETING, explained he was social distancing. Kraft explained that all of the council was given that choice.

Bednarz feels that after listening to HAMC a mandate is necessary. Lunde believes that a mandate needs to be done this evening. Longie does not like the word mandate and believes that

it will not work. LaRocque believes that a mask mandate will help the local health care facility and workers. There was a motion by Lunde to approve the resolution presented with the substitution of the word mandate, instead of encouragement. Second by Bednarz. Trottier explained that his job is to represent the public health and those responsible for it. He believes that the council approving a mandate is what the council can do to help combat COVID in the community.

Hartl asked for clarification on the verbiage of the motion. The word encouragement would be replaced with the word mandate, per the motion.

Berg explained that any words on the resolution do not make a difference. People have their opinions and those opinions will not change this evening. He recommended that they vote on it and move on. Steinke took a roll call vote, Albrecht- no, Lunde –yes, Kraft-no, Bednarz-yes, Berg-no, LaRocque-yes, Longie-no, Trottier-yes, tie vote, Steinke acknowledged she is supportive of mask wearing and voted yes to break the tie, motion carried.

They discussed the effective date of the Mask Mandate. The language in the resolution reads that the mandate begins immediately and is effective for 60 days.

Chief Rose explained that when his officers are interacting with individuals in the community they do their best to wear masks. Boucher explained when they enter a home, they wear a mask.

The council considered the land to put out for bids as well as the two parcels that did not receive bids for tonight’s bid opening. There was a motion by Kraft to put the three parcels out for bids. Second by Albrecht, all voting yes, motion carried.

The council considered the call for fuel bids. There was a motion by Albrecht to put the call for fuel bids out. Second by Longie, all voting yes, motion carried.

Hartl explained the three applications for Local Permits. They are all in order for approval. The three Local Permit Applications are for Little Flower School PTO, Geographical Center Historical Society for two separate raffles. There was a motion by Albrecht to approve the three Local Permit applications. Second by Lunde, all voting yes, motion carried.

Steinke reviewed the special meetings and reminders.

There being no further business to transact or come before the Council at this time, there was a motion by Albrecht to adjourn the Council Meeting. Second by Bednarz all voting yes, motion carried. Meeting adjourned at 10:32p.m.

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Susan Steinke, Mayor

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

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Date Approved