

**RUGBY CITY COUNCIL
REGULAR MEETING
MONDAY, NOVEMBER 7, 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 October 3, 2011 regular council meeting and October 19, 2011 special council meeting. Second by Wentz, all voting yes, motion carried.

The Council reviewed the bill list. Councilman Hoffert wanted to bring a few bills to the Council's attention. Hoffert noted that the payment for the water plant software should be the last payment but the project came in \$7,000 over budget. Hoffert also mentioned the costs for re-platting the Johnson-Norsby-Overby lots were significantly high.

Motion by Hoffert to approve the financial statements, payment of the bills, and the bills paid since the last meeting. **Bills paid since last meeting:** 11990 ND Water & Pollution Conf. \$148.00, 11991 B & M Laundry Service \$56.16, 11992 BNSF Railway Company \$71,662.33, 11993 Convention & Visitors Bureau \$6,821.51, 11994 Farmers Union Oil Company \$1,182.84, 11995 HACTC \$5,555.00, 11996 Hi-Way Tesoro \$2,284.13, 11997 Jeanne Riojas \$150.00, 11998 John Deere Financial \$34.50, 11999 Kristy Kongsli \$30.00, 12000 ND One Call Concepts, Inc. \$41.60, 12001 ND Public Health Laboratory \$48.00, 12002 ND Telephone Company \$564.71, 12003 Otter Tail Power Company \$5,754.56, 12004 Rugby Job Authority \$17,296.72, 12005 Staples Credit Plan \$84.74, 12006 State Tax Commissioner \$653.75, 12007 State Water Commission \$8,513.85, 12008 Postmaster \$274.63, 12009 Rugby Sanitation, Inc. \$19,854.93, Total Regular Bills Paid \$141,011.96, 12010-12032 Payroll Checks \$36,010.55, Soc. Sec \$4,707.89, Medicare Taxes \$1,312.78, Payroll Taxes \$4,079.19, Electronic Total \$10,099.86, 12033 AFLAC \$156.48, 12034 NDPERS \$8,893.28, 12035 Heart of America Health Plan \$1,044.60, 12036 NDPERS \$495.00, 12037 NDPERS \$3,795.86, Total Bills For Payroll \$60,495.63, 12038 Felice Anderson \$1,000.00, Grand Total All Bills Paid Since Last Meeting of 10/03/11 \$202,507.59, **Bills to be paid:** 12039 A & E Auto Parts, Inc. \$12.00, 12040 Advanced Engineering, Inc. \$1,273.25, 12041 Aqua-Pure, Inc. \$1,092.75, 12042 B & M Laundry Service \$112.32, 12043 Black Mountain Software, Inc. \$200.00, 12044 Bobcat of Devils Lake \$722.35, 12045 Brad Radomski \$263.20, 12046 Bremer Bank \$3,045.87, 12047 BW Ramkota Hotel \$336.00, 12048 C & H Repair \$2,161.08, 12049 Comfort Inn Bismarck \$65.00, 12050 David Cichos \$192.21, 12051 Dawn Hauck \$189.20, 12052 Ethanol Products, LLC \$1,366.32, 12053 Fargo Water Equipment, Inc. \$775.20, 12054 Ferguson Waterworks \$241.87, 12055 Galls, an Aramark Company \$85.98, 12056 Glenko Enterprises, LTD \$1,683.30, 12057 Graymont Western Canada \$4,343.99, 12058 H.E. Everson Co., Inc. \$181.77, 12059 HACTC \$5,491.55, 12060 Hawkins, Inc. \$1,283.50, 12061 Hi-Way Tesoro \$2,452.80, 12062 I Design \$30.00, 12063 Icon Architectural Group \$3,476.96, 12064 Integrated Process Solutions \$25,860.62, 12065 John Rose \$100.00, 12066 Johnson's Plumbing Service \$257.17, 12067 Keller Paving & Landscaping \$1,500.00, 12068 M.J. McGuire Company \$15.94, 12069 Marlene Hoffman \$75.00, 12070 ND Dept. of Transportation \$3,385.18, 12071 ND League of Cities \$195.00, 12072 ND One Call Concepts, Inc. \$26.00, 12073 ND Public Health Laboratory \$48.00, 12074 ND Surplus Property \$245.00, 12075 ND Water, Pollution Cont. Conf. \$300.00, 12076 Nelson International

\$333.83, 12077 Newman Signs, Inc. \$204.20, 12078 Northern Improvement Co. \$286.76, 12079 Northern Plains Electric Coop. \$2,435.31, 12080 Otter Tail Power Company \$15.30, 12081 Pamida, Inc. \$82.37, 12082 Petty Cash \$95.68, 12083 Pierce County Auditor \$2,208.33, 12084 Pierce County Recorder \$10.30, 12085 Pierce County Tribune \$246.25, 12086 Pioneer Mutual Life Ins. Co. \$134.75, 12087 Post Board \$135.00, 12088 Precision Autobody & Glass \$1,700.00, 12089 Radisson Hotel Bismarck \$198.00, 12090 Rick Larson \$274.70, 12091 Rugby Hardware Hank \$1,283.94, 12092 Rugby Lumber, Inc. \$109.77, 12093 Rugby Sanitation, Inc. \$127.00, 12094 Rugby Veterinary Service \$29.50, 12095 Schneider Custom Hauling \$4,600.00, 12096 SRT Communications, Inc. \$28.98, 12097 Streicher's, Inc. \$104.91, 12098 The Computer Store \$367.91, 12099 Troy Munyer \$100.00, 12100 Verizon Wireless \$169.70, Total Bills Submitted For Approval \$78,368.87. Second by Bednarz, roll call vote: all voting yes, motion carried.

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

The Council reviewed the JDA minutes and financial statements. Motion by Hoffert to approve the minutes and financials. Second by Jacobson, all voting yes, motion carried.

Advanced Engineering sent a proposal for the cost to complete the Safe Routes to Schools Application. The council was disappointed with the unprofessional nature of the proposal. Motion by Lotvedt not to approve the proposal. Second by Jacobson. A short discussion followed regarding the possibility of switching engineering firms. All voting yes, motion carried.

Discussion was held on the first reading of Ordinance No. 377 – Pit Bull Dogs: Prohibited. City Attorney Hartl agreed with the language in the ordinance. Councilman Jacobson stated that he thought the ordinance was appropriate. Motion by Jacobson to accept the first reading of Ordinance No. 377 – Pit Bull Dogs: Prohibited. Second by Geiszler, roll call vote: all voting yes, motion carried.

The first reading was held for Ordinance No. 378 – Limitations on Fireworks. Discussion followed regarding the permitted hours for fireworks on the nights of July 3rd and 4th. Motion by Hoffert to approve the ordinance with changes made to change the hours of permitted use to 8am on July 3rd to 1am on July 4th and 8am on July 4th to 1am on July 5th. Second by Lotvedt. Discussion was held on the penalty for violating the ordinance. Motion by Hoffert to amend his previous motion to add a penalty clause for the ordinance. Second by Lotvedt. Police Chief Rose discussed that the Ordinance Committee may need to look at the Nuisance Ordinance since it prohibits the use of fireworks. Roll call vote, all voting yes, motion carried.

The first reading was held for Ordinance No. 379 – Use of Fire Pits. Motion by Jacobson to approve the Ordinance. Second by Lotvedt. City Attorney Hartl questioned why there needed to be an ordinance regulating the use of fire pits. Hartl stated that he had not known there was an issue with them. Chief Rose discussed that he has seen several fires in people yards that seem to be quite large and he would like to see them regulated. Chief Rose also would like to make sure no one is able to burn garden waste in the fires. Councilmen Bednarz and Lotvedt stated they would like to see regulations on yard fires. A long discussion followed. Councilman Jacobson stated he would like to see a question on the motion. Roll call vote, all voting yes, motion carried.

Mayor Cichos discussed an email he received regarding the costs of getting natural gas to Rugby. The email stated it would cost approximately \$6.5 million to get the pipeline 5-10 miles to the edge of Rugby. Mayor Cichos stated the actual distance is approximately 20-25 miles and the cost could double.

Discussion was held on closing city offices the day after Thanksgiving. Mayor Cichos stated that it would not be a paid holiday and the employees would be required to take the time off as a personal day, vacation day or unpaid. Motion by Hoffert to close the city offices the Friday after Thanksgiving provided the employees use their personal or vacation time or take unpaid time. Second by Jacobson, all voting yes, motion carried.

Mayor Cichos discussed a question he received on purchasing some city owned land behind Highway 2 Collision and the Eagles. City Attorney Hartl stated the land would need to be put out for bids. Councilman Geiszler questioned what the land would be used for. Mayor Cichos stated it would be for business purposes. Public Works Supervisor Larson stated that the city would need access to the back of the piece of land but the piece closest to the access road could be sold. Motion by Lotvedt to sell a piece of the land with access to the back. Second by Geiszler. Discussion was held. Roll call vote, all voting yes, except for Jacobson who abstained from the vote, motion carried.

The Council considered a variance for Jim Rocheleau to put more RV sites on the south side of Highway 2. The variance was approved by the Planning and Zoning Commission and a hearing was held. Motion by Lotvedt to approve the variance. Second by Jacobson, all voting yes, motion carried.

Howard Duchscher was present representing Clem and Katherine Haman. Haman's sent papers to the Councilmen regarding the fence on Troy and Candy Munyer's lot. Troy and Candy Munyer were also present. Duchscher discussed wording from the transcript notes from a previous court hearing between Haman's and Munyer's. Hartl discussed more history behind the issue. Hartl stated it is not the city's policy to take a position on this issue, however he further added that the Planning and Zoning Committee found that the Munyer's had not violated any city ordinance with their fence. Motion by Lotvedt to take no position on this civil matter. Second by Hoffert, all voting yes, motion carried.

City Attorney Hartl reviewed a special event permit application for Jesters for the Northern Lights Shootout and 2AM closing applications for Jesters during the Northern Lights Shootout. Hartl stated everything looked in order. Motion by Hoffert to approve all applications. Second by Lotvedt, all voting yes, motion carried.

Committee Reports: **Public Safety** – Chairman Hoffert reported that the police department will be looking for a new vehicle soon. Vicki Faulkner was present and reported there was a parking problem on Main Street. City Attorney Hartl stated the parking is first come, first serve and requested that she speak with the area businesses and apartments. Mayor Cichos requested that the parking problem be brought to the public safety committee for more discussion. **Finance** – Chairman Jacobson reported that the finance committee recommends a wage increase for the Planning and Zoning Commission. Motion by Hoffert to change the wages from \$10 per meeting to \$50 per month. Second by Jacobson. Discussion was held. Roll call vote: all voting yes, motion carried. **Ordinances/Rec** – Discussion was held on the parking ordinance. The ordinance does not match the city's current street sweeping schedule. Lotvedt requested that the ordinance go back to the Ordinance and Rec Committee for further discussion.

Water/Streets/Sewer – Chairman Wentz discussed changing the sewer rates but would like to change the campground sewer rates at the same time. Wentz would like to wait until we have more information before putting the issue to a vote. Mayor Cichos requested that the Building and Property committee discuss the drains by the Armory. Chairman Hoffert discussed the drainage problem by the Chad Hager residence. Public Works Supervisor, Rick Larson, will speak with HAMC CEO, Jeff Lingerfelt, to see if they would allow the city to provide a drain pipe to empty into the hospital parking lot drainage system to alleviate this problem. The committee will review this issue at their next meeting. Mayor Cichos reported that there were about 30 people who attended the meet and greet for the new policemen and city auditor. **Personnel** – Mayor/Chairman Cichos reported that the committee is looking through the Employee Handbook and will be making recommendations to the council when finished. **Buildings/Property** – Chairman Bednarz reported the armory floor tiles will be shipped on the 10th of November. Installation will start on November 14th. The Jr. High basketball game scheduled for the 14th will be moved to the gym at the high school. If there are any loose tiles, the installers will remove them and fill them in with a cement mixture before installing the new floor. Public Works Supervisor Larson reported that all of the bleachers have been removed from the Armory. Bednarz also reported that Greg from NDDOT was at the committee meeting. Greg requested that our engineer submit an application to DOT to use either steel piping or PVC piping under the new fire hall to prevent crushing. Mayor Cichos reported that the purchase agreement with Felice Anderson for the fire station lot has been signed. Felice received \$1,000 for a down payment. Once the abstract is finished, the city will pay the remaining amount.

The Council reviewed correspondence from the ND Office of the State Tax Commissioner and from the Rugby Hockey Association regarding open skating.

Meetings this month: Planning and Zoning Commission Meeting on November 14 at 7:30pm; Committee Meetings on Wednesday, November 14 – 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 9:12pm.