

**REGULAR RUGBY CITY COUNCIL MEETING MINUTES  
MONDAY, OCTOBER 4, 2021– 7:30PM  
CITY HALL COUNCIL CHAMBERS AND BY GOTOMEETING**

Council Members present: Lotvedt, Kraft, Bednarz, Berg, LaRocque, Brossart and Trottier. Also present were Mayor Steinke, City Attorney Hartl, Jim Olson, AE2S and City Auditor Stewart. Absent was Lunde.

Mayor Steinke called the meeting to order at 7:32 pm.

Council members recited the Pledge of Allegiance.

Roll call was taken by Steinke.

Steinke added Committee Appointments to the agenda. There was a motion by Brossart to approve the agenda as amended. Second by Berg, all voting yes, motion carried.

The council considered the September 7, 2021, meeting minutes. There was a motion by Berg to approve the minutes of the September 7, 2021, regular council meeting. Second by Kraft, all voting yes, motion carried.

The council considered the September 7, 2021 special budget hearing minutes. There was a motion by Kraft to approve the minutes of the September 7, 2021 special budget hearing meeting. Second by LaRocque, all voting yes, motion carried.

Bills Paid Since Last Meeting of 9/7/2021:	\$189,612.44
21762 Andrew Hallof	\$400.00
21763 B & M Laundry	\$226.64
21764 Bonnie Berginski	\$75.60
21765 Brad's Auto Service & Towing	\$514.00
21766 BSN Sports LLC	\$276.88
21767 Convention & Visitors Bureau	\$4,859.47
21768 Convention & Visitors Bureau	\$8,362.91
21769 David Bednarz	\$75.60
21770 Hawkins	\$5,573.24
21771 Heart of America Library	\$4,129.44
21772 Jennifer Stewart	\$171.36
E-CK JP Morgan Chase	\$1,538.54
21773 MARC	\$1,877.56
21774 Maurus Brossart - CK VOIDED	\$352.00
21775 Modern Marketing	\$568.71
21776 ND Dept of Health / Chemistry	\$270.12
21777 ND One Call Concepts	\$36.10
21778 Office of the State Auditor	\$405.00
21779 Otter Tail Power Company	\$11,363.98
21780 Pierce County Tribune	\$487.41
21781 Rick Larson	\$7,025.00
21782 Rugby Job Authority	\$31,253.55

21783	Rugby Park District	\$976.00
21784	Scott Bommersbach	\$400.00
21785	Valli Information Systems	\$683.61
E-CK	Wex Bank	\$1,005.53
ACH	Payroll Checks	\$57,415.44
ACH	Social Security	\$9,510.40
ACH	Medicare Taxes	\$2,224.22
ACH	Payroll Taxes	\$5,467.95
21786	AFLAC	\$1,067.33
ACH	NDPERS	\$775.00
ACH	NDPERS	\$7,954.74
ACH	Sanford Health / NDPERS	\$16,106.30
21787	State Tax Commissioner	\$2,119.58
21788	Greg Boucher	\$4,371.72
21789	State Tax Commissioner	\$43.51

Bills To Be Approved and Paid at 9/7/2021 Meeting: \$160,115.79

21790	Advanced Engineering	\$23,284.65
21791	American Welding & Gas	\$1,723.22
21792	Bonnie Berginski	\$75.60
21793	Brad Radomski	\$700.00
21794	Brad's Auto Svc & Towing	\$229.66
21795	Brady, Martz & Associates	\$10,000.00
21796	Circle Sanitation	\$20,366.00
21797	Core & Main LP	\$294.97
21798	Deplazes Redi-Mix & Const.	\$1,200.00
21799	Fargo Tires Service Inc.	\$1,137.32
21800	First District Health Unit	\$205.00
21801	Graymont Western Canada	\$5,123.63
21802	H. E. Everson	\$251.46
21803	Hartl Law Office	\$8,245.29
21804	Home of Economy	\$29.92
21805	Integrated Process Solutions, Inc.	\$29,610.50
21806	Johnson's Plumbing	\$209.66
21807	Leevers	\$46.18
21808	Maurus Brossart	\$277.00
21809	ND Dept. of Environmental Quality	\$30.00
21810	ND League of Cities	\$665.00
21811	ND One Call Concepts	\$30.70
21812	Pierce County Auditor	\$3,412.50
21813	Pioneer Research Corp.	\$239.40
21814	POST Board	\$90.00
21815	Radisson Hotel Bismarck	\$172.80
21816	Ramkota Hotel	\$172.80
21817	Rebecca Jordan	\$170.00
21818	Robert Spallinger	\$1,495.00

21819 Rugby Broadcasters	\$91.00
21820 Rugby Greenhouse	\$37.00
21821 Rugby Hardware Hank	\$632.03
21822 Rugby Lawn & Tree	\$1,100.00
21823 Rugby Lumber	\$294.55
21824 Rugby Service Center	\$630.68
21825 Rugby Veterinary Service	\$122.00
21826 State Water Commission	\$7,876.80
21827 US Bank St Paul	\$38,966.66
21828 Verizon Wireless	\$552.71
21829 Wayne Trottier	\$324.10

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

The council reviewed the financial reports presented. There was a motion by Kraft to approve the financial reports as presented. Second by Trottier, roll call vote, Trottier-yes, Brossart-yes, LaRocque-yes, Berg-yes, Bednarz-yes, Kraft-yes, and Lotvedt-yes.

Eric Christianson, HAMC CEO, addressed the council to update them on the new hospital project. He explained that they are looking at two options for long-term care. One is attached to the hospital with fewer beds and the second is a separate facility with more beds. He explained the significant cost in building materials. Christianson explained that October 2022 is the goal for groundbreaking on the new facility, should all things go well.

Christianson explained that the total project cost is \$50 million. They are in the process of submitting documents to the USDA to make application. He discussed the city working with the Department of Transportation to construct a frontage road for the new facility, off US Hwy 2. He encouraged council members to attend the hospital steering committee meetings.

Scott Sigette, Otter Tail Power, addressed the council regarding the city owned light poles. Steinke reminded the council that this topic had been tabled prior because they had questions they wanted answered. He explained that the city owns approximately 100 poles. The lights in the downtown area are owned by the city as well as the lights along both Hwy 2 and Hwy 3. Otter Tail has been replacing the old lights, which they own, with new LED lights. If the city turned over the city owned lights to Otter Tail, they would replace those lights with LEDs in 2022. The poles on Main Ave would be replaced with underground wire. The poles on the highways would be replaced only if necessary.

The council discussed the different types of light standards. Sigette offered that the decorative Arlington would result in the least amount of light. To maintain cost efficiency, the council would go with the aluminum standards and not decorative standards.

There was a motion by Lotvedt to move forward with relinquishing the city owned street lights to Otter Tail Power and agree to standard aluminum standards when poles must be replaced. Second by Brossart, roll call vote, Trottier- no, Brossart – yes, LaRocque- no, Berg-no, Bednarz-yes, Kraft-yes, and Lotvedt-yes, motion carried.

Donovan Breen, Brosz Engineering, addressed the council regarding the Hwy 3 DOT project to be completed in 2022. He explained that they plan to put the project out for bid in February 2022. They are still waiting on a few things from the railroad.

Breen covered the impacted city utility lines that would be replaced by the DOT. He also discussed the utilities that would not be replaced by the DOT. He indicated that once the project is completed, the DOT will be reconstructing the street with concrete. He encouraged the council to consider replacing all of the city utilities under the Hwy 3 DOT project, which the state is not replacing. Breen presented an estimate for the additional replacement of utilities to be \$342,310.

Olson and Steinke discussed that past conversations with Brosz engineering had not indicated that a portion of the city utility lines, directly under Hwy 3 in the proposed project area, would not be replaced by the state. The city understood that all lines under the construction area would be replaced at no cost to the city. The city would cost share a portion for the storm sewer, which recently was projected to cost the city \$441,000. They expressed their concern with this estimate of cost being brought to the city this late in the project.

Steinke asked what will be done when the project is being completed and the DOT hooks onto the city's existing infrastructure and the clay tile crumbles past the footage that the DOT had approved to replace. Breen explained that they would file a change order to address the additional footage that was impacted by the project. Breen could only speculate that the cost for the additional repairs would be paid by the state.

Breen indicated that initially the proposed plan was to open the entire highway up and dig the new storm sewer lines in. Since then they have decided that boring the line would be much more efficient. Steinke questioned how the "impacted" lines are determined.

Olson explained to Breen that if the state doesn't replace all the clay tile under the proposed construction area and then pour concrete there will be problems with the sewer line after the project is complete.

The council continued to discuss the lack of this additional cost being the responsibility of the city. They asked Breen to forward his contact information, at the state level, to City Hall. The council requested a new set of project plans be sent to them.

Breen left the meeting at 8:44p.m.

The council considered the September 2021 Municipal Court Report. There was a motion by Lotvedt to approve the September 2021 Municipal Court Report. Second by Kraft, all voting yes, motion carried.

Laurie Odden, CVB Executive Director, addressed the council. She requested that they ensure that any light poles replaced downtown support 100-150 pound flower pots. She explained the upcoming events and briefly touched on the Geographical Center Monument. There was a motion by Trotter to accept the CVB minutes and agenda. Second by LaRocque, all voting yes, motion carried.

The council reviewed the JDA minutes and financials. Karl Frigaard, Executive Director, was not present. There was a motion by Kraft to approve the JDA minutes and financials. Second by Berg, all voting yes, motion carried.

Recreation Committee: Chairman Berg reported that the Recreation Director/Manager has resigned. They had the property professionally sprayed and plan on planting grass this fall. Bednarz explained that Richerson Contracting is repairing the picnic shelter poles.

Public Works: Chairman Bednarz explained that the department has been extremely busy. He explained that there had been a water sample that was not taken in August. There was no cause for concern, however the city will be sending out correspondence to citizens as part of the requirement by the state. This was not overlooked by the current employees operating the Water Treatment Plant. The city also will be sending correspondence regarding a testing date that was incorrectly specified by the state. This is not the cities fault; however the state does require that the city send out correspondence to customers as well. Bednarz indicated that the Water Treatment Department has been receiving outside help to ensure they are on track with operations.

Public Safety: Chairman LaRocque explained they had discussed the police report. They also discussed mobile radar signs. Lotvedt explained that this past Saturday there had been a train on the tracks for 24 hours. They were able to have the train moved later that day.

Buildings: Chairman Berg explained they had discussed lights and false ceiling in the council chambers. They had discussed windows at the armory. Brossart explained that it would cost approximately \$6,300 to install lights and false ceiling in the council chambers.

Jim Olson, AE2S, addressed the council. He suggested that he present video footage of the televising that Pipe Detectives has done this year, on October 14 at 2pm. Anyone who wishes to see this is welcome to attend.

He explained that Attorney Hartl has completed the information required for the USDA title opinion. Hartl explained the lack of reference of a portion of 6<sup>th</sup> ST SE in the legal documents he reviewed. Lotvedt questioned if Hartl completed the title opinion. He asked if Hartl's fees for this was part of the 2 ½ Ave project cost. Olson explained that this cost was not included in the project cost.

Olson explained that the final Comprehensive Land Use Plan Steering Committee meeting will be on October 14, 2021 at 10:30am. The plan needs to be approved by the Council November 1 to ensure that the grant to complete the plan is not lost.

Olson explained that Swanson Construction will begin working on the steel girts at the pool this week.

Munyer explained that there had been a leak at the Armory last week and A & R Roofing had been in town to repair the roof today.

Olson explained the grants being pursued for the Water Treatment clarifiers and the water transmission line from the wells to the plant.

The council conducted the second reading of Ordinance 432, Annual Appropriations. There was a motion by Kraft to approve the second reading of Ordinance 432, Annual Appropriations. Second by Trottier, roll call vote, all voting yes, motion carried.

The council considered an easement from the City of Rugby to Maurus and Sandra Brossart for a well. Hartl directed the council to review the legal description on the document. He explained that it was not discussed at the last council meeting how many feet of the alley would be granted in the easement. Mr. Brossart had indicated to Hartl that he only required 8 feet into the alley. The document reflects that requirement. There was a motion by Kraft to approve the easement from the City of Rugby to Maurus and Sandra Brossart for a well. Second by Berg, all voting yes, motion carried.

Hartl explained that there should be a court judgement for the Shively property by the end of October. Hartl asked that the city allow him to send correspondence, to the last resident of the property, and allow them time to obtain any belongings from the home prior to destruction of the home. Hartl asked if the city wanted the Public Works Department to tear it down or to have a contractor tear it down. There was a motion by Berg to allow Attorney Hartl to move forward, in the best interest of the city, once the judgement against the Shively property is issued and have Public Safety obtain estimates for the destruction and removal of the structure. Second by Brossart, all voting yes, motion carried.

The council considered a Pierce County Zoning Request for Jeremy and Jamie Wald. The request would allow a fence to be constructed and graze horses. This property is within the first ½ mile of extra-territorial zoning. There was a motion by Kraft to approve the Pierce County Zoning Request for Jeremy and Jamie Wald. Second by Lotvedt, all voting yes, motion carried.

Hartl explained the application for Local Permit for the Rugby Jaycees. He explained that the application was in order for approval. There was a motion by Trottier to approve the application for Local Permit for the Rugby Jaycees. Second by Brossart, all voting yes, motion carried.

Brossart asked the council how they felt about contractors reporting their mileage the same as city employees. Brossart explained that the city is receiving a separate billing for mileage from AE2S. Steinke explained that the mileage is part of the bill from AE2S, not separate billing.

She questioned if Brossart was inquiring about all contractors or just AE2S. Lotvedt went on to explain a mileage claim for an August date, by AE2S. Olson explained that he works out of his home, which is where his office is. He explained that mileage is charged from his office to the city or if he is in Grand Forks and travels to Rugby, that mileage is billed. Olson explained that mileage is billed to the project it was for. Trottier believes that if AE2S has to document their mileage similar to an employee, all contractors would need to be treated this way. Trottier explained that it seemed the two council members were singling out AE2S and scrutinizing their mileage only. Kraft questioned why the city is not billed from Olson's office to the city every time. Olson explained that if he is coming from Minot to Rugby, this is what the city is billed for. In this case the city would be billed less than if he traveled from his home office. Trottier questioned Brossart and Lotvedt as to why this is an issue. Lotvedt stated that it was costing a lot of money. Lotvedt stated that it cost the city \$23,000 last month. Trottier questioned if the \$23,000 was mileage. Lotvedt explained it was the total billing from AE2S.

Olson explained that his integrity was being attacked. Trottier questioned if the mileage claim from AE2S was an issue with the city audit. It has not been an issue with the city audit. LaRocque agreed with Trottier and explained that it will be difficult to get a contractor to come to Rugby if they have to fill out a mileage voucher from the city. He believes that Olson should continue to bill the city mileage as he has been. Bednarz explained that if the question of AE2S's mileage occurred because of the Saturday that Olson came to Rugby when Pipe Detectives was having televising issues, he had called Olson to come to town. Bednarz explained that asking for special documentation from AE2S is insignificant and ridiculous.

Bednarz asked that the council consider allowing a \$1,000 payment, per employee, to those individuals who have been employed at least one year, as of today, from the American Rescue Plan Act because they were essential workers. ARPA allows this form of premium pay given. The council discussed that 8 employees would qualify for this. There was a motion by Bednarz to pay \$1,000, per employee, to those individuals who have been employed at least one year, as of today, from the ARPA funds; paid prior to the end of December 2021. Second by Trottier, roll call vote, Lotvedt-yes, Kraft-yes, Bednarz-yes, Berg-yes, LaRocque-yes, Brossart-yes and Trottier-yes, motion carried.

The council discussed the correspondence from the NDDOT regarding the proposed frontage road for the new hospital complex. Lotvedt explained that the state had agreed to pay for 80% of the project and the city would be responsible for 20%. He asked that correspondence be sent back to the state to indicate the city support of this project. Trottier questioned the allowability of the ARPA fund, from the state, to use these funds for this project. There was a motion by Kraft to respond to the state in regards to the city's support for the proposed frontage road project. Second by Bednarz, Lotvedt-yes, Kraft-yes, Bednarz-yes, Berg-yes, LaRocque-yes, Brossart-yes and Trottier- abstain, motion carried.

Lotvedt asked that some of the signs in the community be replaced. Stop signs, Yield signs, etc. are no longer reflective. Trottier explained that this is a maintenance issue. Bednarz volunteered to identify the signs that need to be replaced and report it to the Street Supervisor.

Lotvedt explained that there is an ordinance that requires a fence or screen separating a trailer court from residential areas. He explained the old abandon trailers that are located in the mobile home courts that need to be cleaned up. He encouraged all council members to drive through the mobile home courts to see firsthand. Steinke referred this issue to Ordinance and Public Safety committees.

Steinke reviewed the correspondence received.

The council considered the proposed committee appointments. There was a motion by Bednarz to approve the committee appointments as presented. Second by LaRocque, all voting yes, motion carried.

There being no further business to transact or come before the Council at this time, there was a motion by Lotvedt to adjourn the Council Meeting. Second by LaRocque, all voting yes, motion carried. Meeting adjourned at 9:59 p.m.

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Susan Steinke, Mayor

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

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Date Approved