

**REGULAR RUGBY CITY COUNCIL MEETING MINUTES
MONDAY, MARCH 7, 2022– 7:30PM
CITY HALL COUNCIL CHAMBERS AND BY GOTOMEETING**

Council Members present: Lotvedt (by phone), Lunde, Kraft, Bednarz, Berg, Brossart (by GOTOMEETING- voting was done by the chat box within GOTO since we could not hear Mr. Brossart), LaRocque and Trottier. Also present were Mayor Steinke, Auditor Stewart and Attorney Hartl.

Mayor Steinke called the meeting to order at 7:35 pm.

Council members recited the Pledge of Allegiance.

Roll call was taken by Mayor Steinke.

Lotvedt requested to combine New Business – AE2S 2021 Spreadsheet and Construction Contract and move it up to the 7:45pm A & R Roofing call in. There was a motion by Bednarz to approve the agenda as amended. Second by Berg, all voting yes, motion carried.

The council considered the February 7, 2022, meeting minutes. There was a motion by Kraft to approve the minutes of the February 7, 2022, regular council meeting. Second by LaRocque, all voting yes, motion carried.

Bills Paid Since Last Meeting of 02/7/2022: \$165,848.51

22089	Butler Machinery Co	\$354.09
22090	Convention & Visitors Bureau	\$1,689.22
22091	Convention & Visitors Bureau	\$4,419.29
22092	Dale Klein	\$45.70
22093	David Bednarz	\$78.98
22094	Envision	\$3,784.80
22095	First District Health Unit	\$75.00
22096	Hawkins Inc.	\$1,056.18
e-ck	JP Morgan Chase Bank	\$1,032.19
22097	ND Dept. of Health-Chemistry	\$37.08
22098	ND Telephone Company	\$734.19
22099	Northern Plains Electric Co	\$3,294.13
22100	Otter Tail Power Company	\$15,223.22
22101	Pioneer Research Company	\$474.43
22102	Quality Inn - Bismarck	\$172.80
22103	Rebecca Jordan	\$170.00
22104	Rugby Insurance Agency	\$1,759.50
22105	Rugby Job Authority	\$39,018.88
22106	Valli Information Systems	\$704.65
e-ck	Wex Bank	\$1,213.25
ACH	Payroll Checks	\$50,340.81
ACH	Social Security	\$7,929.82
ACH	Medicare Taxes	\$1,854.56
ACH	Payroll Taxes	\$5,422.13

22107	AFLAC	\$950.46
22108	Ingenuity RM, LLC	\$727.89
ACH	NDPERS	\$725.00
ACH	NDPERS	\$8,536.72
ACH	Sanford Health / NDPERS	\$14,023.54
Bills To Be Approved and Paid 3/7/2022:		\$62,139.29
ACH	BND	\$1,710.00
22109	Advanced Engineering	\$6,594.55
22110	Allison Leer	\$97.50
22111	American Welding & Gas	\$63.87
22112	B & J Excavating	\$3,625.00
22113	B & M Laundry	\$97.58
22114	Bartsch Electric	\$4,700.00
22115	Brad Radomski	\$700.00
22116	Circle Sanitation	\$19,973.00
22117	Comfort Inn Bismarck	\$86.40
22118	Core & Main	\$826.40
22119	Douglas Stewart	\$170.00
22120	Envision	\$1,376.03
22121	H. E. Everson	\$126.19
22122	Harper Oil Company	\$4,042.39
22123	Home of Economy	\$57.96
22124	Jeff Armstrong	\$50.00
22125	John Rose	\$187.20
22126	Leevers Foods	\$38.74
22127	MEDICO	\$152.75
22128	NAPA Auto Parts	\$54.04
22129	ND One Call Concepts	\$2.05
22130	NDTC	\$744.54
22131	Northern Plains Electric Coop	\$3,219.07
22132	Petty Cash	\$34.78
22133	Pierce County Auditor	\$3,412.50
22134	Pierce County Tribune	\$1,584.39
22135	Power Plan	\$6,317.50
22136	Rebecca Jordan	\$170.00
22137	Rugby Farmers Union Elevator	\$40.00
22138	Rugby Hardware Hank	\$133.76
22139	Rugby Lumber Inc.	\$183.70
22140	Rugby Service Center	\$624.57
22141	Staples Credit Plan	\$212.50
22142	The Computer Store	\$179.98
22143	Verizon Wireless	\$550.35

The bills were reviewed by the council. Bills were individually reviewed by Berg and LaRocque. LaRocque noted that on the bill list a bill for \$218.00 for Circle Sanitation was

omitted. There was a motion by LaRocque to approve payment of the bills with the addition of the Circle Sanitation bill, as presented. Second by Trottier, roll call vote, all voting yes, motion carried.

The council reviewed the financial reports as presented. Stewart explained that the 2022 Budgeted Transfers have been accounted for in the financials. There was a motion by Kraft to approve the financial reports as presented. Second by Berg, roll call vote, all voting yes, motion carried.

The council considered the February 2022 Municipal Court Report. There was a motion by Lotvedt to approve the February 2022 Municipal Court Report. Second by Kraft, all voting yes, motion carried.

The council considered the February 2022 Community Service Program Report. There was a motion by Berg to approve the February 2022 Community Service Program Report. Second by Trottier, all voting yes, motion carried.

The council considered the Rugby Volunteer Fire Department 2021 year end financials. There was a motion by LaRocque to approve the Rugby Volunteer Fire Department 2021 year end financials. Second by Bednarz, all voting yes, motion carried.

The council reviewed the Convention and Visitors Bureau minutes and financials. Laurie Odden, Executive Director, addressed the council regarding the Living Local App. She explained the grants that they had given out at their last meeting. They have received a grant from the Rugby Eagles for the Geographical Monument. There was a motion by LaRocque to approve the Convention and Visitors Bureau minutes and financials. Second by Trottier, all voting yes, motion carried.

The council considered the JDA minutes and financials. Steinke noted that Karl Frigaard, was not present due to medical leave. There was a motion by Kraft to approve the JDA minutes and financials. Second by Bednarz, majority voting yes, Trottier voting no, motion carried.

Lotvedt explained that he talked to A & R Roofing today and they wouldn't be calling in to the meeting. He questioned why the A & R Roofing proposal became a contract. Olson explained that A & R had agreed to repair the City Hall roof, at no cost, if they were awarded the Armory and Pool roof jobs. Lotvedt still questioned how the A & R Roofing Proposal turned into a Contract. Lotvedt explained that A & R Roofing is now asking for additional funds, due to material cost increases. Olson explained that the total proposal for the Armory is \$159,850 and the proposal for the swimming pool was \$108,810. He explained that A & R Roofing told Olson that the signed proposals for both of those were the City of Rugby's contracts. Hartl reviewed the A & R Roofing Proposals with the council. He addressed the concern that Lotvedt had regarding the signed proposal, more than 30 days after the date of the proposal. Olson explained that A & R explained they have a contract with the city, and would like the council to consider paying more than proposed due to increases in materials since the proposal was signed.

Olson had addressed material, supply chain issues with A & R Roofing last fall. They had ensured him that they would be purchasing and storing materials last fall for spring projects. Steinke confirmed with A & R Roofing, last week during a phone call, that A & R did not have materials for the City of Rugby Projects as of that call. Hartl explained that based on the proposals and the information provided that A & R Roofing is standing by the signed proposals for the Armory, pool roof and repairs to City Hall roof. They are now asking for more money for material cost inflation, in addition to the signed proposals/contracts. They will stand behind the proposal/contracts, but would like the city to consider an additional \$35,689 for increased material cost. Hartl clarified that the City Hall roof repairs were complete last fall. They have been making temporary repairs to the Armory roof throughout the fall and winter, as part of the proposal. They have not started any repairs on the pool roof as of yet. Hartl clarified that he believes Council Member Lotvedt would like to see more specifics laid out in a contract instead of the specifics laid out in the proposal/contract. Hartl explained that A & R Roofing is asking for \$35,689 in addition to the amounts in the proposals/contracts that were signed last year, it does not mean the Council has to agree to give them any of the requested \$35,689.

Bednarz explained that A & R Roofing was going to be on the call this evening and are not. Hartl explained that the proposed change order is the request of A & R Roofing, for \$35,689 due to increased cost in materials. Hartl clarified that the A & R Roofing proposals are separate and did not have to be bid out. There was a motion by Lotvedt to pay A & R Roofing \$35,689, per the change order, to be split 3 ways, by the City, Engineer and A & R Roofing. Hartl explained that the council may not bind the engineering firm in a motion to pay any portion of the \$35,689. Steinke asked for a second to the motion, three times. Motion failed for lack of a second.

Steinke reiterated that the Council has before them a change order from A & R Roofing for a total amount of \$35,689, for material price increases. Berg and Bednarz suggested splitting the cost with A & R Roofing. Lotvedt guaranteed that A & R Roofing has the material on hand for the City of Rugby's project. Hartl explained that if the city agrees to a different amount than the current request from A & R, they would have to provide a new change order for the agreed upon amount. Steinke asked what the council wanted to do. LaRocque made a motion to table the change order from A & R Roofing, until after the work on the roof is completed and then reassess the change order, not to exceed \$35,689. Second by Bednarz, roll call vote, Lunde-no, Kraft-no, Bednarz-yes, Brossart-no, Lotvedt-no, Berg-yes, LaRocque-yes and Trottier-no. Motion failed.

There was a motion by Lotvedt to pay ½ of the proposed change order from A & R Roofing for a total of \$17,844.50 after completion. Second by Berg, roll call vote, Lunde-yes, Bednarz-yes, Kraft-yes, LaRocque-no, Berg-yes, Trottier-no, Lotvedt-yes and Brossart-yes. Motion carried.

The council considered the Rugby Public School Districts petition to close the alley, described as: the north/south alleyway on the West 20 feet of Lot 5, Block 4, Comstock's First Addition to the City of Rugby as well as 112.5 feet of the alley located both (a) south of, and adjacent to, the West Half of Lot 3 and Lots 4, 5, 6, and 7, and (b) north of and adjacent to, Lots 26, 27, 28, 29 and West Half of 30, located in Block 4 Comstock's First Addition to the City of Rugby.

Steinke explained that as the project moves forward, the city requests to see plans and specifications as to how the drainage of 2nd St and 3rd Ave are proposed. The city will have input

to ensure drainage is not an issue in the future. She also questioned if Dr. McNeff had spoken to Peg Stadum, resident directly to the west of the proposed new alleyway. He acknowledged that yes he had. Miss Stadum will have a say as to what borders her property, ie. bushes, fence, etc.

There was a motion by Trottier to approve the Rugby Public School Districts petition to close the alley, described as: the north/south alleyway on the West 20 feet of Lot 5, Block 4, Comstock's First Addition to the City of Rugby as well as 112.5 feet of the alley located both (a) south of, and adjacent to, the West Half of Lot 3 and Lots 4, 5, 6, and 7, and (b) north of and adjacent to, Lots 26, 27, 28, 29 and West Half of 30, located in Block 4 Comstock's First Addition to the City of Rugby. Second by Kraft, roll call vote, Trottier-yes, LaRocque-yes, Berg-yes, Bednarz-yes, Kraft-yes, Lunde-yes, Lotvedt-yes and Brossart-yes, motion carried.

8:33pm Dr. McNeff left the meeting.

Public Works: Chairman Bednarz explained that the department has been fixing water breaks. They are working on ordering street signs for those that need replacement. LaRocque explained that the city needs to have backflow prevention in place by April 1, 2022 or be working towards it. The city does not need to have an ordinance in place to meet compliance. City owned property is required to have backflow preventers. The Park District may also need to add backflow preventers where they have free water available to the public.

Public Safety: Chairman LaRocque explained that they are still down one police officer.

Personnel: Chairman Trottier explained that they had discussed the Employee Handbook. They discussed Exempt and Non-Exempt Employees. They also discussed supervision of employees. They also discussed if salaried employees are eligible for compensatory time. They are also working on an evaluation tool for staff.

Jim Olson, Advanced Engineering, explained that NAWS had met on February 28 and discussed the future proposed water transmission line replacement. The State Water Commission had referred the project to NAWS. The next NAWS meeting is March 24 at 1:00p.m.

Jon Nelson, All Seasons Water Users District Board Member, explained that he attended the February 28 meeting. He explained that Rugby was an original member of NAWS. He explained that NAWS funding is 65% State and 35% Minot City Sales Tax. He explained that he has spoken with Andrea Travnicek, who is the Director for the Department of Water Resources, about options to pay for this project. Nelson asked that the city not enter into a pre-engineering proposal for this project until a later date closer to the project beginning. Olson explained that the project has been estimated at \$8.3 million if PVC pipe is utilized. If the city used a poly pipe the estimate is \$9.6 million. The council discussed the past history with NAWS and the future water transmission line.

Olson questioned if the hospital planned to have the majority of traffic come in through the residential area, for the new location. Lotvedt explained that they do not intend the residential area to be the main access to the new hospital location; however they cannot guarantee that individuals will not utilize the residential routes to access the future hospital.

Olson explained that AE2S's estimate of cost for completing the easement for the city and the new hospital is \$5,000. Steinke has reached out to Interstate Engineering as well and has not heard back.

The GIS project is in the works. Olson distributed a document outlining the implementation of the Rugby GIS Platform.

Olson reported that he has researched ground penetrating radar to help locate any fuel tanks that may be located underground near McGuire's, from the old fuel station that had been located there. The 2 ½ Ave Project will require excavating ground through the McGuire's lot, possibly near where the old fuel tanks may be located. Olson had an estimate of \$5,200 to complete this. Lotvedt does not believe that the excavating will be near this potential site. Lotvedt wants McGuire's to be responsible for removing underground fuel tanks if the city project runs into them. They discussed where the city easement lies on the McGuire's property.

Bednarz explained that Troy Munyer, interim Water Plant Supervisor, does not feel comfortable taking the photos and verifying the plans and specifications for the water plant clarifier project. Olson explained that in 2018 the council had decided that the city employees would be responsible for the plans and specifications for the clarifier project. AE2S would only be involved in the bid process. Steinke asked SUEZ if they would measure the water plant and take the specifications and they do not want to come to Rugby and do that. Steinke explained that the council needs to decide if Munyer will be responsible for the plans and specifications or have AE2S responsible or potentially have SUEZ come to Rugby and complete it. Munyer explained that the more accurate the measurements, the less cutting and re-welding will need to be done by the contractor.

Munyer will need to review the plans and specifications that SUEZ will send Munyer after he gets them the measurements. Munyer will need to sign off on these. The council could have AE2S review the plans with Munyer as a second set of eyes in the interest of the City of Rugby. When it comes to going out for bid, to hire a contractor for the project, AE2S will take care of the bid process.

Kraft asked Olson for an estimate of cost to review the plans and specifications with Munyer. Olson estimated that it should be able to be complete in 2 days or less. There was a motion by Berg to have AE2S sit in on meetings with SUEZ and to look over the plans and specifications for the clarifiers before Munyer signs off on them. Second by Kraft, roll call vote, all voting yes, motion carried.

Kraft questioned Steinke as to the Highway 3 project. He questioned what the hold-up is on the Department of Transportation's end. Steinke explained that she has been told that the railroad is holding up the project. She suggested that the DOT District Engineer attend the next council meeting.

The council considered two bids for the demolition of the home located at 602 3rd ST SW. The first was from Volk Excavating in the amount of \$5,060 and the second from B & J Excavating

in the amount of \$9,990. There was a motion by LaRocque to accept the bid from Volk Excavating in the amount of \$5,060. Second by Berg, roll call vote, all voting yes, motion carried.

Larry Vetsch addressed the council regarding his property located just off Hwy 3 N behind the old Cow Country Supply building. He asked the council where the city is at with it right now. Hartl explained that the judgement gives the city authority to go in and clean up the property. The city has a company who will supply roll offs that the city employees could fill with materials to be removed. Hartl explained that the city does not have to solicit bids to clean up the property. He explained that Mr. Vetsch is able to continue to clean up the property until the city begins cleaning up the property if he wishes. Hartl outlined the materials that were to be removed by October 30, 2021 defined by the court judgement. Hartl does not believe the city needs to put the clean-up of the property out on bids. Vetsch questioned what the city still wishes him to clean up. Hartl referred to the judgement. Hartl confirmed that Mr. Vetsch did receive copies of the judgement. Vetsch questioned if he can have tires on his property? Hartl explained that tires and rims are included in the items to be removed. Steinke questioned if the tires and rims were in enclosed trailers if they could remain on the property. Hartl agreed that trailers can be left on the property. Vetsch questioned if he can move the tires to his adjacent property. Hartl explained that the adjacent property is not included in the judgement.

Hartl explained that the city had sent letters to Mr. Vetsch as far back as 2018 to clean up the property. Mr. Vetsch did not clean up the property to meet the city requirement which lead to the court filing. The Vetsch property is zoned C-2. Hartl suggested that if the city is going to put the property out for bids to clean up that they wait until the snow melts. They continued to discuss the history of the Vetsch property clean-up.

Kraft questioned once the snow melts how long Mr. Vetsch estimates he needs to finish cleaning up? Vetsch suggested that it would take a couple of months. The council reminded Vetsch that he had signed off on the judgement. Trottier explained the option is to leave things where they are until the snow melts or make a motion to have city works go in and clean up the property at the city's cost. Hartl agreed that those are two options the city has. Hartl explained that the city has the option to clean up the property or the city can hold off and do it at a later date. The judgement does not have a date that the city must clean up the property. There was a motion by Kraft to delay any action on the Vetsch property until June 1, 2022. Second by Trottier, roll call vote, Lunde –yes, Kraft-yes, Bednarz-no, Berg-no, LaRocque-no, Lotvedt-yes, Brossart-yes, Trottier-yes. Trottier questioned Brossart's vote as a conflict of interest. Motion carried.

Trottier made a motion to have Brossart's roll call vote stricken from the record. Second by Kraft, majority voting yes, motion carried.

Brossart did confirm in the GOTO chat box that he withdrew his vote.

The council considered the first reading of Ordinance 433 Beer Licenses and Ordinance 434 Liquor Licenses. LaRocque questioned if a county establishment could serve beer or liquor with a special event permit if they were in Pierce County without a city beer or liquor license. Steinke explained that only those establishments in the extra territorial zoning area of the City of Rugby

could obtain the special event permit to serve beer or liquor without a city beer or liquor license. LaRocque explained that he is on the Rugby Eagles Trustee's Board and will abstain from voting on this. The changes to the ordinances also included legislative changes that were passed in 2021. There was a motion by Kraft to approve the first readings of Ordinance 433 and 434. Second by Trottier, LaRocque abstaining, remainder of council all voting yes, motion carried.

The council considered the National School Breakfast Week Proclamation. There was a motion by Kraft to approve the National School Breakfast Week Proclamation. Second by Berg, all voting yes, motion carried.

The council considered the Dolly Parton Imagination Library Month Proclamation. There was a motion by Trottier to approve the Dolly Parton Imagination Library Month Proclamation. Second by Kraft, all voting yes, motion carried.

The council considered a proclamation for City Government Week. There was a motion by Kraft to approve the City Government Week Proclamation. Second by Trottier, all voting yes, motion carried.

The council considered a proclamation for National Library Week. There was a motion by Berg to approve the National Library Week Proclamation. Second by LaRocque, all voting yes, motion carried.

The council considered applications for Local Permit for Rugby Convention and Visitors Bureau, Rugby High School FBLA and Pierce County 4-H Council. Hartl explained they were all in order for approval. There was a motion by LaRocque to approve the applications for Local Permit for Rugby Convention and Visitors Bureau, Rugby High School FBLA and Pierce County 4-H Council. Second by Berg, all voting yes, motion carried.

The council considered a Gaming Site Authorization for the Aggie Foundation to be located at Hangover's Bottle Shop. Hartl explained that the application is in order to be approved. Hartl explained that approval is at the discretion of the council. He reminded the council that in the past an out of town organization had applied for a Gaming Site Authorization to be located in 3rd Street Station that the council denied. The council considered the Gaming Site Authorization for the Aggie Foundation. Bednarz made a motion to deny the Gaming Site Authorization for the Aggie Foundation. Second by LaRocque. Kraft questioned if the application could be tabled. Steinke called for a roll call vote, Trottier-yes, LaRocque-yes, Berg-yes, Bednarz-yes, Kraft-no, Lunde-no, Lotvedt-yes. Brossart was no longer on the GOTO, so did not vote. Motion carried.

The council considered Gaming Site Authorizations for Rugby Amateur Hockey Association for Dakota Farms, Northside Lounge and Lee's Bar. There was a motion by Kraft to approve the Gaming Site Authorizations for Rugby Amateur Hockey Association at Dakota Farms, Northside Lounge and Lee's Bar. Second by LaRocque, all voting yes, motion carried.

Jon Nelson explained that if he was asked to contact the Department of Transportation Director, DOT District Engineer, Burlington Northern and the Public Works to put together a meeting with all of them he would. The council asked Mr. Nelson to put a meeting together.

There being no further business to transact or come before the Council at this time, there was a motion by Trottier to adjourn the Council Meeting. Second by LaRocque, all voting yes, motion carried. Meeting adjourned at 10:20 p.m.

*These are unofficial minutes, subject to edits, and have not been approved by the city council.

DRAFT