

**RUGBY CITY COUNCIL MEETING MINUTES**  
**MONDAY, JUNE 5, 2023– 7:00 PM**  
**COUNCIL CHAMBERS AND MICROSOFT TEAMS**

Mayor LaRocque called the meeting to order at 7:00 pm.

Council members recited the Pledge of Allegiance.

Roll call was taken by LaRocque.

Council Members present: Gannarelli, Larson, Lotvedt, Schneibel, Brossart, Kraft, Nelson, and Zachmeier.

Council Members present by TEAMS: none.

Also present was Mayor LaRocque, Attorney Murray and Auditor Stewart.

There was a motion by Nelson to approve the agenda. Second by Brossart, all voting yes, motion carried.

The council considered the May 15, 2023, meeting minutes. There was a motion by Lotvedt to amend the May 15, 2023, minutes as suggested by Attorney Murray.

*Attorney Murray explained that the Garage/Shop standing alone on the property in a violation of zoning laws, and a violation of the covenants for the property. Under Rugby Ordinance 19.02.040 the covenants must be followed and would make it a zoning violation, as the ordinances are a minimum standard. I said that the Wyatts were questioning if it is still a zoning issue after the sale the home without the garage and Mysself and the Mayor all stated that a private Garage is defined as an accessory building, and it is still a zoning violation because the Garage cannot be the primary building on the property because it is defined as an accessory building. Then, Neil Lotvedt read the accessory building definition and explained that the private garage is an accessory and a violation of the ordinances.*

*Rugby City Ordinance 19.04.040 defines “Accessory” as a subordinate building and is incidental to the main building.*

*Rugby City Ordinance 19.04.160 defines “Accessory building” as a subordinate structure or incidental to the main building.*

*Rugby City Ordinance 19.04.430 defines a “private Garage” as an Accessory Building and used by the occupants of the building to which it is an accessory.*

*Rugby City Ordinance 19.34.020 provides that there is a main building for the accessory building, and that an accessory building is not to be used for dwelling purposes.*

*Rugby City Ordinance 19.02.040 provides that the ordinances are the minimum requirements, but that the deed restrictions and covenants that impose a higher standard shall govern.*

*I know that I did not specifically list all of these statutes during the discussion, but I know that we specifically told the Wyatts that the Rugby Ordinances still defined the private garage as an accessory building and therefore, it is in violation of the Rugby City Ordinances related to zoning. I did not say that I questioned whether or not there was a violation.*

*Further, I specifically stated that I never gave them the legal advice that they would be allowed to sell the shop separate from the residence, and I want that specifically stated in the official meeting minutes.*

*Further, I believe that I specifically explained 19.04.160 regarding “accessory building” on the same lot, and that this meant the same owned property, such that if a landowner owns 3 lots, they could build a house on 2 of the lots, and the third lot could be the accessory garage as long as the property owner owned all of the three lots, but that the garage would not be allowed to be sold separate from the house that was the primary building on the lot.*

Attorney Murray explained the information regarding the amendment to the council. Second by Schneibel, all voting yes, motion carried.

Bills Paid Since Last Meeting of 5/1/2023:	\$166,950.71
23163 A & R Roofing Co	\$672.00
23164 American Welding & Gas	\$65.87
23165 Aqua-Pure Inc	\$581.50
23166 B & M Laundry	\$146.04
23167 Brad's Auto Service & Towing	\$459.00
23168 Cole Papers	\$7.00
23169 Colonial Research Chemical Corp	\$993.13
23170 Computer Express	\$739.99
23171 Convention & Visitors Bureau	\$1,483.87
23172 Convention & Visitors Bureau	\$3,843.91
23173 Core & Main LP	\$773.32
23174 David Bednarz	\$85.15
23175 EcoLab	\$173.80
23176 Envision	\$279.99
23177 First District Health	\$90.00
23178 Harper Oil Co	\$2,856.00
23179 Hawkins Inc	\$2,895.62
23180 Heart of America Medical Center	\$622.75
23181 Home of Economy	\$218.49
23182 Bank of ND	\$73.00
23183 Jennifer Stewart	\$100.00
23184 John Deere Financial	\$116.08
e-ck JP Morgan	\$987.52
23185 Lathem Time Company	\$738.00
23186 LeEVERS	\$12.24

23187	Locators & Supplies	\$724.60
23188	MEDICO	\$282.00
23189	Merchants Bank	\$142.54
23190	NAPA	\$104.62
23191	ND Dept of Health	\$18.54
23192	ND One Call Concepts, Inc	\$14.50
23193	NDTC	\$688.22
23194	Northern Improvement Co	\$920.70
23195	Northern Plains Electric Coop	\$3,353.59
23196	Otter Tail Power Company	\$10,790.56
23197	Pierce County Tribune	\$1,162.68
23198	Power Plan	\$107.33
23199	Rebecca Jordan	\$170.00
23200	Rugby Farmers Union Elevator	\$112.50
23201	Rugby Hardware Hank	\$303.99
23202	Rugby Job Authority	\$19,571.20
23203	Rugby Service Center	\$883.18
23204	Staples	\$92.41
23205	Team Laboratory Chemical	\$11,548.00
23206	Tessman Company	\$554.67
23207	The Computer Store	\$99.60
23208	U. S. Bank St. Paul	\$500.00
23209	Valli Information Systems	\$765.55
23210	West Shore Services Inc	\$1,475.00
e-ck	Wex Bank	\$1,076.35
ACH	Payroll Checks	\$53,140.46
ACH	Social Security	\$8,361.04
ACH	Medicare Taxes	\$1,955.42
ACH	Payroll Taxes	\$5,213.57
23211	AFLAC	\$992.45
ACH	NDPERS	\$600.00
ACH	NDPERS	\$7,574.31
ACH	Sanford Health / NDPERS	\$14,636.86
Bills To Be Approved and Paid 6/5/2023:		\$248,391.46
ACH	ND Public Finance	\$53,816.67
23212	Adrian Simpson	\$150.00
23213	Advanced Engineering	\$20,632.75
23214	American Welding & Gas	\$65.87
23215	Andrew Hallof	\$150.00
23216	Aqua Pure Inc	\$146.23
23217	Associated Supply Company	\$211.73
23218	B & J Excavating	\$54,385.32
23219	Bartsch Electric, LLC	\$10,000.00
23220	Brady Martz & Associates, PC	\$12,500.00
23221	Candy Munyer	\$150.00

23222	Circle Sanitation	\$20,554.56
23223	Colonial Research Chemical Corp	\$2,579.31
23224	Column Software PBC	\$636.11
23225	Computer Express	\$870.00
23226	Dale Klein	\$150.00
23227	David Bednarz	\$85.15
23228	David Jaeger	\$950.00
23229	David Kerlin	\$1,200.00
23230	Devils Lake Youth Fastpitch	\$150.00
23231	First District Health Unit	\$70.00
23232	Gary Brossart	\$150.00
23233	Glenko Enterprises	\$2,280.65
23234	Graymont Western Canada	\$5,899.42
23235	H. E. Everson Inc	\$46.95
23236	Hawkins	\$1,570.69
23237	High Plains Equipment	\$19.40
23238	Home of Economy	\$510.86
23239	HR Collaborative	\$100.00
23240	I Design	\$257.00
23241	Jennifer Stewart	\$150.00
23242	Jeremy Monroe	\$238.71
23243	Jodi Lundberg	\$60.00
23244	Johnson's Plumbing	\$6,553.16
23245	Lake Region District Health Unit	\$100.00
23246	Leevers Foods	\$269.05
23247	Locators & Supplies	\$2,124.60
23248	Lotvedt Construction	\$100.00
23249	MEDICO	\$317.25
23250	Melissa Anderson	\$237.77
23251	Nicole McIvor	\$550.00
23252	Peace Garden Peace Officers	\$40.00
23253	Pierce County Auditor	\$3,412.50
23254	Power Plan	\$1,557.57
23255	Rebecca Jordan	\$170.00
23256	Robert Spallinger	\$2,300.00
23257	Rugby Broadcasters Inc/KZZJ	\$579.00
23258	Rugby Farmers Union Elevator	\$24.00
23259	Rugby Hardware Hank	\$850.55
23260	Rugby Insurance Agency	\$10,299.00
23261	Rugby Lumber	\$256.12
23262	Rugby Service Center	\$1,635.16
23263	Schaan Oil Co	\$298.67
23264	Scott Bommersbach	\$35.00
23265	Staples	\$128.87
23266	Stephanie Halvorson	\$60.00
23267	USA Blue Book	\$1,854.19

23268 Veolia WTS Services	\$73,600.00
23269 Verizon Wireless	\$618.29
23270 Wayne's Construction	\$3,500.00

The bills were individually reviewed by Brossart and Nelson. There was a motion by Nelson to approve the bills as presented. Second by Zachmeier, roll call vote, all voting yes, motion carried.

The council reviewed the Change Order #5 from Wagner Construction in the amount of \$15,318 for additional paving for the 2 ½ Ave Project. There was a motion by Lotvedt to approve Change Order #5 from Wagner Construction in the amount of \$15,318.00. Second by Gannarelli, roll call vote, all voting yes, motion carried.

The council reviewed Wagner Construction Pay Application 9, in the amount of \$15,317.87. There was a motion by Gannarelli to approve Wagner Construction Pay Application 9, in the amount of \$15,317.87. Second by Kraft, roll call vote, all voting yes, motion carried.

The council reviewed the Advanced Engineering statements. The first invoice, #87054, in the amount of \$1,032.75 was considered. It was explained that the statement was for GIS training for Public Works. There was a motion by Schneibel to approve AE2S Invoice #87054, for \$1032.75. Second by Kraft, roll call vote, all voting yes, motion carried.

The second invoice from Advanced Engineering, #87077, in the amount of \$18,700.00. Jim Olson, AE2S, explained that there is a short list of items for Wagner to complete yet along the 2 ½ Ave route. He explained that final payment to the contractor is due July 31, 2023. There was a motion by Lotvedt to approve the payment to Advanced Engineering for invoice #87077 in the amount of \$18,700.00. Second by Larson, roll call vote, all voting yes, motion carried.

The council considered the monthly financial reports. Stewart reviewed the cash report, expenditure vs. budget and revenue vs. budget financial reports with the council. The preliminary budget needs to be approved by August 10. There was a motion by Nelson to approve the cash report, expenditure vs. budget and revenue vs. budget financial reports as presented. Second by Brossart, roll call vote, all voting yes, motion carried.

The council considered the May 2023 Municipal Court Report. There was a motion by Kraft to approve the May 2023 Municipal Court Report. Second by Schneibel, all voting yes, motion carried.

Laurie Odden, CVB Executive Director, addressed the council regarding the current activities that the CVB is working on. They have had their sprinkler system worked on and are making repairs. Odden attended the Turtle Mountain Tribal Conference and the ND Tourism Conference. Odden explained that the Rugby App that is in use was free for the first two years. Recently the state has extended the grant until February 2024. Odden explained that the yearly cost is estimated at \$750. Odden would like to see the future fees split between the City of Rugby, Convention and Visitors Bureau and possibly other entities that benefit from it. Odden

listed future activities that are upcoming in the community. There was a motion by Lotvedt to approve the CVB minutes and financials. Second by Schneibel, all voting yes, motion carried.

LaRocque explained that the JDA is currently seeking a new Executive Director. They have added two new board members, Danielle Jacobson, B & J Excavating and Duane O'Morrow, Gooseneck Implement.

Nelson explained that the Department of Commerce has an individual who could assist in the interim. He believed her name is Ellen Huber. There was a motion by Nelson to explore the possibility to have a meeting to discuss Department of Commerce assistance in the interim. Second by Brossart, all voting yes, motion carried.

There was a motion by Schneibel to approve the JDA minutes and financials as presented. Second by Lotvedt, roll call vote, all voting yes, motion carried.

### Portfolio Reports

**Buildings/Property:** Portfolio Holder Lotvedt explained that he has obtained bids from Comp Cam and NDTC for security cameras in the Armory. He asked to have Zachmeier to look into the estimates. Comp Cam's estimate is \$2,132 and NDTC's estimate is \$3084.65. Currently the city has cameras at the water plant and shop with Comp Cam. Comp Cam also bid a conference room camera for \$1,374.00. Zachmeier will look into this.

Lotvedt explained that the water plant needs some chlorine sensors replaced and smart valves. The council reviewed correspondence from Tim Melander of Aqua Pure regarding these items. It was discussed that these are maintenance items and can be replaced at the direction of the portfolio holder.

**Finance:** Portfolio Holder Nelson explained that the Police Department and the Fire Department have submitted budget requests for the 2024 Budget. He informed the council that the state passed bill 1307- Back the Blue- that will provide a one-time payment to cities/counties, etc. to help retain and attract police, deputy, and correction officers. The bill provides \$3.5 million, as a one-time payment.

**Ordinance:** Portfolio Holder Zachmeier explained that two second readings are being held this evening and she is working with Murray on some future revisions.

**Personnel:** Portfolio Holder Gannarelli will be visiting with the new library director soon.

**Public Safety:** Portfolio Holder Larson explained that Officer Monroe, who is working as a part-time police officer needs to be offered benefits. Bommersbach suggested that full-time benefits be offered to Officer Monroe. Bommersbach explained that the other full-time officers have stated they are okay with full benefits being offered to Monroe as a permanent part-time officer. There was a motion by Lotvedt to offer Monroe full benefits as a permanent part-time police officer. Second by Zachmeier. The council discussed the hospital health care and city health

care policies. They also discussed the shortage of police officers throughout the state. LaRocque called for a roll call vote, all voting yes, motion carried.

The council discussed Officer Monroe's wage. Temporary part-time officers, without benefits, are paid \$24 per hour. Monroe previously worked at the city and in 2019 his salary was \$23.44 per hour. If the cost of living in 2020 and 2023 were added to his final salary his current salary would be \$27.23 per hour. Bommersbach explained that temporary part-time officers at Pierce County are paid \$28 per hour. There was a motion by Schneibel that Monroe's hourly wage as a permanent part-time employee be \$24 per hour. Second by Gannarelli, roll call vote, all voting yes, motion carried.

Public Works: Portfolio Holder Kraft explained that the landfill surcharge is used for paying for grass clippings that are hauled out, city-wide clean-up, maintenance of the equipment used, and the tree pile. They discussed the "free" roll-offs that Circle Sanitation provides that are utilized for city-wide clean-up. Larson requested a fall clean-up day, on a Saturday. Lotvedt told Munyer to pick a date and let the council know at the next meeting. Munyer explained that the city-wide clean-up that was held May 9, 10 & 11 from 8-5pm, they were there most days until 6pm.

Recreation: Portfolio Holder Schneibel explained it has been a slow start, but things are on schedule now. He is working with Recreation Director Levi Lemer to get him on track for the ground keeping and daily operations. The swimming pool is open and in good shape.

#### Unfinished Business

The council conducted the second reading of Ordinance 444 Beer License and Ordinance 445 Liquor License. There was a motion by Zachmeier to approve the second readings of Ordinance 444 Beer License and Ordinance 445 Liquor License. Second by Nelson, all voting yes, motion carried.

#### New Business

The council considered Resolution 2023-2 Setting the Auditor Bond Limit. There was a motion by Schneibel to approve Resolution 2023-2 Setting the Auditor Bond Limit. Second by Lotvedt, all voting yes, motion carried.

The council considered a proposal from Maguire Iron Inc. to inspect the interior of the water tower every three years, on a 11-year contract for \$10,600. Munyer explained to the council the purpose of the inspection of the water tower. There was a motion by Kraft to approve the proposal from Maguire Iron Inc, in the amount of \$10,600. Second by Lotvedt, roll call vote, all voting yes, motion carried.

The council considered the Combined Law Enforcement Center Agreement between Pierce County and the City of Rugby. There was a motion by Lotvedt to approve the Combined Law Enforcement Center Agreement. Second by Brossart, roll call vote, all voting yes, motion carried.

Chief Bommersbach explained his 2024 Budget Request to the council.

The Public Works Department 2024 Budget Request was tabled until the June 20 meeting.

The council reviewed the 2024 Fire Department Budget request.

The council reviewed the 2024 Armory Budget Request

The next meeting is scheduled for Tuesday, June 20, 2023, at 7:00p.m.

There being no further business to transact or come before the council at this time, there was a motion by Schneibel to adjourn the council meeting. Second by Larson, all voting yes, motion carried. Meeting adjourned at 8:56p.m.

Frank LaRocque, Mayor

Attest: Jennifer Stewart, City Auditor