

**REGULAR RUGBY CITY COUNCIL MEETING MINUTES**  
**MONDAY, JUNE 6, 2022– 7:30PM**  
**CITY HALL COUNCIL CHAMBERS AND BY GOTO**

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

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

Council members recited the Pledge of Allegiance.

Roll call was taken by Mayor Steinke.

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

The council considered the May 2, 2022, meeting minutes. There was a motion by Lunde to approve the minutes of the May 2, 2022, regular council meeting. Second by Kraft, all voting yes, motion carried.

The council considered the May 18, 2022 special meeting minutes. There was a motion by Lunde to approve the minutes of the May 18, 2022 special council meeting minutes. Second by Kraft, all voting yes, motion carried.

The council considered the June 1, 2022 special meeting minutes. There was a motion by Lunde to approve the minutes of the June 1, 2022 special council meeting minutes. Second by Kraft, all voting yes, motion carried.

Bills Paid Since Last Meeting of 5/2/2022:	\$167,193.99
22263 American Welding & Gas	\$63.87
22264 Andrew Fox	\$154.78
22265 B & M Laundry	\$157.25
22266 Civic Plus	\$975.00
22267 Colonial Research Chemical Corp	\$987.16
22268 Convention & Visitors Bureau	\$464.16
22269 Convention & Visitors Bureau	\$1,638.40
22270 David Bednarz	\$204.75
22271 Envision	\$1,039.71
22272 First District Health	\$75.00
22273 H. E. Everson Co	\$94.52
22274 Harper Oil Co	\$3,140.46
22275 Hawkins Inc.	\$1,466.06
22276 Home of Economy	\$468.37
22277 Jeff Armstrong	\$300.00
22278 John Deere Financial	\$7.08
e-ch JP Morgan	\$828.81
22279 MEDICO	\$305.50
22280 Merchants Bank	\$9,012.83

22281	NAPA	\$79.70
22282	ND One Call Concepts, Inc.	\$27.50
22283	NDTC	\$750.26
22284	Newman Signs	\$1,547.31
22285	Northern Plains Electric Coop	\$2,845.19
22286	Otter Tail Power Company	\$10,705.20
22287	Pierce County Tribune	\$3,124.23
22288	Precision Auto Body & Glass	\$206.80
22289	Rugby Job Authority	\$18,976.07
22290	Schock's Safe & Lock	\$709.40
22291	Staples	\$762.10
22292	Steve's Trucking	\$3,742.50
22293	Team Laboratory Chemical	\$10,398.75
22294	Troy Munyer	\$50.00
22295	Turtle Mountain Babe Ruth League	\$250.00
22296	Valli Information Systems	\$704.43
e-ch	Wex Bank	\$992.54
ACH	Payroll Checks	\$50,870.85
ACH	Social Security	\$7,888.24
ACH	Medicare Taxes	\$1,844.90
ACH	Payroll Taxes	\$4,802.00
22297	AFLAC	\$950.46
22298	Ingenuity RM, LLC	\$604.69
ACH	NDPERS	\$725.00
ACH	NDPERS	\$8,228.62
ACH	Sanford Health / NDPERS	\$14,023.54
Bills To Be Approved and Paid 6/6/2022:		\$871,256.63
ACH	ND Public Finance Authority	\$54,816.67
22299	Advanced Engineering	\$10,279.79
22300	Alert Magazine	\$205.00
22301	American Welding & Gas	\$63.87
22302	Andrew Hallof	\$150.00
22303	Arntson, Stewart, Wegner PC	\$5,690.90
22304	Aqua Pure Inc.	\$501.47
22305	Associated Supply Co	\$654.92
22306	B & J Excavating	\$1,152.00
22307	B & M Laundry	\$174.64
22308	Bonnie Berginski	\$87.75
22309	Brad Radomski	\$700.00
22310	Brad's Auto Service & Towing	\$568.50
22311	Candy Munyer	\$150.00
22312	Circle Sanitation	\$20,877.44
22313	Core & Main LP	\$887.77
22314	Dale Klein	\$897.82
22315	David Kerlin	\$450.00

22316	Deplazes Redi-Mix & Construction	\$420.00
22317	Fargo Tire Service	\$150.42
22318	First District Health Unit	\$30.00
22319	G & P Commercial Sales Inc.	\$252.10
22320	Gary Brossart	\$150.00
22321	H. E. Everson Co	\$111.28
22322	Home of Economy	\$85.05
22323	Jeffrey Berdahl	\$150.00
22324	Jennifer Stewart	\$250.00
22325	Johnson's Plumbing	\$1,275.98
22326	Kimball Masonry	\$2,000.00
22327	Lathem Time Company	\$738.00
22328	Leevers Foods	\$103.64
22329	Lexipol, LLC	\$470.00
22330	M. J. McGuire Co	\$96.15
22331	MARC	\$912.04
22332	Melissa Anderson	\$150.00
22333	Mike Swanson Construction	\$140,400.00
22334	ND League of Cities	\$75.00
22335	ND One Call Concepts	\$61.10
22336	Nicole McIvor	\$825.00
22337	Northern Plains Electric Coop	\$2,990.17
22338	Pierce County Auditor	\$3,412.50
22339	Pierce County Tribune	\$1,399.55
22340	Randy or Karla Deplazes	\$50.00
22341	Rebecca Jordan	\$170.00
22342	Richerson Handyman Services LLC	\$3,000.00
22343	Robert Spallinger	\$1,900.00
22344	Rugby Broadcasters Inc/KZZJ	\$550.25
22345	Rugby Farmers Union Elevator	\$17.50
22346	Rugby Fire Dept	\$5,036.92
22347	Rugby Golf Club	\$1,000.00
22348*	Rugby Greenhouse	\$255.00
22350	Rugby Hardware Hank	\$575.93
22351	Rugby Lumber	\$4,834.00
22352	Rugby Service Center	\$1,166.12
22353	US Bank / St. Paul	\$850.00
22354	Verizon Wireless	\$478.29
22355	Wagner Construction Inc.	\$651,372.77

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

Lotvedt questioned an AE2S bill from the prior month regarding a mapping charge under General Engineering. Olson explained it should have been billed to mapping. He questioned an entry under General Engineering for 2 hours on Public Works issues on piping and changes. Olson explained that should be billed under the 2 ½ Ave Project. Lotvedt questioned NAWS for 8 hours and NAWS for 6 hours as far as who approved him to attend the meetings. Olson explained that one meeting was in Bismarck and one in Minot. Olson explained that Mayor Steinke approved Olson to attend these meetings. Lotvedt questioned the mayor's limitations to expend funds. Trottier questioned if the Mayor may spend up to \$2,500, as ordinance allows a Committee Chairperson to spend. Attorney Hartl believes the mayor's authority to spend money would be compared to a Committee Chairperson. He recommended the council have a directive going forward for the committee's and Mayor in regards to spending funds. Hartl explained this is his un-researched opinion and would look into this further. Olson gave a summary of the work AE2S is billing for in regards to NAWS. He explained there is a meeting on June 20, 2022 in Bismarck. Steinke explained that the city has been invited to attend this meeting.

Jon Nelson, city resident and legislative representative, was contacted by Andrea Travinsek to be on a conference call with Dan Jonasson and Tim Freije. They are trying to work out a hybrid model that would include the State Water Commission and NAWS working together to offer funding for the Rugby water transmission line. Nelson explained that they are hoping to put this into the 2023-2025 Biennium.

The council reviewed the financial reports as presented. Stewart explained that the bond funds for the 2 ½ Ave Project were received on June 1. The first pay request that Wagner Construction had submitted has been approved by the USDA and will pay out after today's meeting. There was a motion by Kraft to approve the financial reports as presented. Second by Trottier, roll call vote, all voting yes, motion carried.

The May 2022 Municipal Court Report was not provided for the meeting.

The council considered the CVB minutes and financials. Laurie Odden, Executive Director was present. There was a motion by Kraft to approve the CVB minutes and financials. Second by Lunde, all voting yes, motion carried.

The council reviewed the JDA minutes and financials. Executive Director Frigaard was not present. Steinke explained that when BEK TV was in town, the JDA had a commercial made to promote Rugby. The council viewed the commercial. Lotvedt questioned why the JDA owns a clinic building in Dunseith, ND. Hartl believes that the Dunseith building is an extension of the Johnson Clinic and was obtained by the JDA when the hospital took out bonds with the City of Rugby. Lotvedt questioned now that the Dunseith Clinic needs to have major work done to maintain the building, is the JDA going to pay for the repairs or give the building to HAMC. Steinke believes that the two options to transfer the building are putting it out for bids or listing it with a realtor. Steinke suggested the JDA begin working with the city building committee to arrive at a solution. Trottier questioned if the council could obtain a breakdown of the JDA consultant costs to review. Steinke acknowledged that the council could have a breakdown of those bills. There was a motion by Kraft to accept the JDA minutes and financials. Second by Brossart, majority voting yes, motion carried.

Recreation: Chairman Berg explained that a Recreation Director and Manager have been hired. The swimming pool opened today. They have had Cory Espe, Rugby Golf Course Manager, working on the grounds where the drain tile had been installed. Lotvedt explained that the picnic shelter rehabilitation project had been completed. The estimate to complete the rehab from last fall had been approved by the Recreation Committee. The new estimate this spring was not approved by the Recreation Committee. Lotvedt explained that the labor for the repairs was \$3,000. Lotvedt explained that the handyman did a complete different project than what was approved by the committee last fall. The handyman described to Lotvedt who gave him approval to complete the project this spring. Espe will be fertilizing the diamond that he is working on.

Finance: Chairman Kraft explained they have begun the 2023 budget.

Jim Olson, AE2S, gave an update on the Armory Roof Project. They expect to have the roof wrapped up on June 17. Once completed, they will move to the swimming pool roof.

Olson presented a pay order for Mike Swanson Construction, for work at the swimming pool, in the amount of \$25,200. Olson explained that the humidistat wiring is left to complete. Kraft questioned what they figured out with the Wentz Canal, where the city agreed to insulation for the culverts. Olson explained that the pipe did have a groove in it and that the insulation is installed and will be good going forward.

Olson presented a pay order for Wagner Construction in the amount of \$554,801.54. He also presented Change Order #3 in the amount of \$7,131.42. This is for the 5<sup>th</sup> Ave area, just west of Frank LaRocque's house. When Wagner was digging, they ran into a 48" abandoned storm drain. Wagner had to lay the new pipe lines under the abandoned storm drain. Kraft questioned where this abandoned line discharges. Olson explained that it is unknown where it discharges. Lotvedt explained that it reduces down to an 18" and discharges by the trailer court. They also encountered a cast iron T water line that was not on a map either.

There was a motion by Lunde to approve Change Order #3 for Wagner Construction in the amount of \$7,131.42. Second by LaRocque, roll call vote, all voting yes, motion carried.

There was a motion by Trottier to approve the pay request for Mike Swanson Construction in the amount of \$25,200. Second by Kraft, roll call vote, all voting yes, motion carried.

There was a motion by Trottier to approve the pay request for Wagner Construction in the amount of \$554,801.54. Second by Kraft, roll call vote, all voting yes, motion carried.

Olson explained that once the council approves the pay request it is forwarded to USDA. Once USDA approves the pay request then the city is notified and able to cut the check for the pay request.

Olson explained that they have a traffic control plan and currently Hwy 3 is closed. Olson explained that Wagner requested an additional \$5,000 for signage for the bypasses. He believes

that Hwy 3 should be open for traffic, end of day tomorrow. If that happens Olson doesn't feel the additional cost is necessary.

Attorney Hartl explained that committees are established by ordinance; however there is no set time or date that committee's must meet in ordinance. Hartl's opinion is that the ordinance specifies that the Mayor may call a meeting or the written request of two council members. Therefore committees are held by precedent or are held because the Mayor calls them. There was no request by two council members to hold the committee meeting therefore the Mayor could cancel the meeting. They discussed how two committee members would request a meeting without creating a quorum. Steinke questioned if the two committee members, which met with Cory from the golf course, were a quorum? They discussed that a Committee Chairman may call a meeting or a request could go through the Mayor.

Attorney Hartl summarized that the United States Supreme Court Opinion, that he was asked to interpret, does not give a blanket guard on First Amendment Rights as an elected official.

The council considered Planning and Zoning Findings of Facts for Sikes 1<sup>st</sup> Addition, Lot 10 Block 2, requesting a variance to the minimum lot coverage allowed. Planning and Zoning recommended to allow 51% of the lot to be covered by buildings. They are also recommending construction be allowed within 1 foot of the east side yard rather than the minimum 5 feet as required by ordinance. There was a motion by Lotvedt to approve the Planning and Zoning Findings of Facts for Sikes 1<sup>st</sup> Addition, Lot 10 Block 2. Second by Kraft, all voting yes, motion carried.

Steinke explained that McGuire's contacted her regarding the manhole that is located in their lot. Josh Mattson, McGuire's representative, addressed the council regarding the manhole that is crumbling and needs to be repaired in their lot. McGuire's did give the city an easement for the current 2 ½ Ave Project that runs through their lot. LaRocque questioned if the USDA funds would allow for this additional cost. Olson explained that contingency money would be available for this project. There was a motion by Lotvedt to try to find a 48" manhole and tie into our existing line. Kraft questioned if Olson could get an estimate from Wagner Construction to install the 48" manhole. Second by Lunde. Lotvedt amended his motion to include, "up to \$5,000 without calling a special meeting." Second by Lunde, roll call vote, Trottier- no, Brossart-yes, LaRocque- yes, Berg-yes, Kraft-yes, Lunde- yes and Lotvedt-yes, motion carried.

The council considered Resolution 2022-5 Setting the Auditor Bond Limit. There was a motion by Lotvedt to approve Resolution 2022-5 Setting the Auditor Bond Limit. Second by Kraft, all voting yes, motion carried.

The council conducted the first reading of Ordinance 436- Beer Licenses and Ordinance 437- Liquor Licenses. There was a motion by Lotvedt to approve the first reading of Ordinance 436- Beer Licenses and Ordinance 437- Liquor Licenses. Second by Berg, all voting yes, motion carried.

The council considered a letter of Community Support for the new hospital build. There was a motion by Trottier to approve the letter of Community Support for the new hospital build. Second by Lunde, all voting yes, motion carried.

Erik Christianson, HAMC CEO, gave the council an update to on their application to the USDA for the new hospital build.

The council considered an application for local permit for the Rugby FCS & FCCLA and Rugby Sports Boosters. Attorney Hartl explained that the applications were in order for consideration. There was a motion by Lotvedt to approve the application for local permit for the Rugby FCS & FCCLA and Rugby Sports Boosters. Second by Kraft, 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 Lunde to adjourn the Council Meeting. Second by Brossart, all voting yes, motion carried. Meeting adjourned at 8:53 p.m.

Frank LaRocque, Mayor  
Attest: Jennifer Stewart, City Auditor  
Approved: July 5, 2022