

**RUGBY CITY COUNCIL MEETING MINUTES
WEDNESDAY, SEPTEMBER 7, 2022– 7:30 PM
COUNCIL CHAMBERS AND GOTO**

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

Council members recited the Pledge of Allegiance.

Roll call was taken by Mayor LaRocque.

Council Members present: Lotvedt, Nelson, Kraft, Schneibel, Larson, Brossart, Trottier, and Gannarelli. Also present were Mayor Larocque, Auditor Stewart, and Attorney Murray.

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

Mayor Larocque issued the Oath of Office to new Council Member Bruce Gannarelli. Gannarelli recited the oath and was sworn in as Ward 3 Council Member.

Mayor Larocque issued an appointment of Officer Scott Bommersbach to City Police Chief. There was a motion by Schneibel to approve the appointment of Officer Scott Bommersbach to Chief of Police. Trottier seconded the motion. Bommersbach took the Oath of Office and was sworn in as Chief of Police.

The council considered the August 1, 2022, meeting minutes. Lotvedt requested that a correction be made to the minutes where Nelson was titled as a Senator and that it be changed to State Representative. Schneibel requested a correction be made to the motion on the approval of the Municipal Court Report for July 2022. There was a motion by Lotvedt to approve the minutes with these corrections. Second by Brossart, all voting yes, motion carried.

Bills Paid Since Last Meeting of 8/01/2022: \$1,146,649.51	
22529 A-1 Evans Septic Service	\$360.00
22530 American Welding & Gas	\$2,674.35
22531 Aqua-Pure Inc	\$2,065.00
22532 Ashley Ryan	\$90.00
22533 Associated Supply Company	\$543.42
22534 B & M Laundry	\$226.10
22535 Bonnie Berginski	\$137.00
22536 Brad's Auto & Towing	\$97.00
22537 Column Software PBC	\$1,306.92
22538 Convention & Visitors Bureau	\$2,010.60
22539 Convention & Visitors Bureau	\$3,141.07
22540 Envision	\$2,636.99
22541 First District Health Unit	\$30.00
22542 H. E. Everson Co	\$11.40
22543 Hawkins	\$90.00
22544 Heart of America Medical Center	\$19.00
22545 Home of Economy	\$947.47
22546 John Deere Financial	\$479.76

22547	Johnson's Plumbing	\$73.38
e-ck	JP Morgan	\$2,420.26
22548	Leevers Foods	\$268.41
22549	MARC	\$474.68
22550	MEDICO	\$152.75
22551	NAPA	\$51.84
22552	ND Dept of Health/Chemistry	\$18.54
22553	ND One Call Concepts	\$65.75
22554	ND Telephone Co	\$744.75
22555	North Central Printing	\$243.00
22556	North Dakota Newspaper Assoc.	\$708.08
22557	Northern Plains Electric Coop	\$3,829.69
22558	Northern States Supply Inc	\$22.19
22559	Otter Tail Power Company	\$10,215.16
22560	Pierce County Tribune	\$1,692.73
22561	Portraits by Misti	\$280.00
22562	Precision Autobody & Glass	\$7,503.50
22563	Recreation Supply Co	\$5,030.02
22564	Rugby Broadcasters Inc	\$129.75
22565	Rugby Fire Department	\$2,566.68
22566	Rugby Insurance Agency	\$574.00
22567	Rugby Job Authority	\$25,524.12
22568	Staples Credit Plan	\$212.81
22569	Stone's Mobile Radio	\$436.00
22570	U. S. Bank/St. Paul	\$450.00
22571	Valli Information Systems	\$737.66
22572	Wagner Construction Inc	\$948,770.28
e-ck	Wex Bank	\$1,298.89
ACH	Payroll	\$71,216.86
ACH	Social Security	\$10,914.04
ACH	Medicare Taxes	\$2,552.46
ACH	Payroll Taxes	\$5,784.80
22573	AFLAC	\$950.46
ACH	NDPERS	\$700.00
ACH	NDPERS	\$8,198.63
ACH	NDPERS / Sanford Health	\$13,288.82
22574	Sean Hurly	\$1,682.44
Bills To Be Approved and Paid 9/7/2022:		\$131,374.65
ACH	BND	\$40,710.00
22575	Advanced Engineering	\$68,573.10
22576	American Welding & Gas	\$63.87
22577	ATCO International	\$238.50
22578	Austin Dibble	\$85.00
22579	B & J Excavating	\$3,038.00
22580	Bechtold Paving, Inc	\$1,184.04
22581	Brad Radomski	\$700.00

22582	Brooke Anderson	\$50.00
22583	Circle Sanitation	\$20,395.00
22584	Column Software	\$16.94
22585	Core & Main LP	\$1,663.10
22586	Deplazes Redi-Mix	\$1,325.00
22587	EcoLab	\$347.60
22588	Ferguson Waterworks	\$593.27
22589	First District Health Unit	\$135.00
22590	H. E. Everson Co	\$10.85
22591	Harper Oil Company	\$2,174.40
22592	Home of Economy	\$416.90
22593	I Design Inc	\$3,460.05
22594	Jacob Ripplinger	\$25.00
22595	John Deere Financial	\$569.24
22596	Johnson's Plumbing	\$172.82
22597	Killoran Trucking & Brokerage	\$6,134.63
22598	LaserZip	\$55.75
22599	Lauren Agbunag	\$10.76
22600	Leevers Foods	\$187.12
22601	Mayo Construction	\$2,558.60
22602	Mike Santjer	\$35.00
22603	ND One Call Concepts	\$58.50
22604	North Central Printing	\$187.00
22605	Northern Plains Electric Coop	\$3,030.70
22606	Pierce County Auditor	\$3,412.50
22607	Precision Autobody & Glass	\$512.50
22608	Rebecca Jordan	\$170.00
22609	Robert Spallinger	\$1,150.00
22610	Rugby Broadcasters Inc	\$129.75
22611	Rugby Farmers Elevator	\$66.00
22612	Rugby Hardware Hank	\$1,805.35
22613	Rugby Lawn and Tree Care	\$1,200.00
22614	Rugby Lumber Inc	\$104.88
22615	Rugby Service Center	\$1,399.27
22616	Rugby Welding & Machine	\$15.44
22617	Rylan Hildenbrand	\$175.00
22618	Sanitation Products Inc	\$905.52
22619	Staples	\$470.42
22620	The Computer Store	\$389.99
22621	The Farmers Wife Cakes	\$90.00
22622	U. S. Bank / St Paul	\$500.00
22623	Valli Information Systems	\$734.52
22624	Verizon Wireless	\$647.77

The bills were reviewed by the council. Bills were individually reviewed by Larson and Brossart. There was a motion by Larson to approve the bills as presented. Second by Brossart. Roll call vote, Trottier-yes, Brossart-yes, Larson-yes, Schneibel-yes, Kraft-yes, Gannarelli-yes, Nelson-yes & Lotvedt-yes, motion carried.

The council considered the monthly financial reports. There was a motion by Trottier to approve the monthly financials as presented. Second by Kraft, roll call vote, Trottier-yes, Brossart-yes, Larson-yes, Gannarelli-yes, Schneibel-yes, Kraft-yes, Nelson-yes, Lotvedt-yes, motion carried.

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

Convention and Visitors Bureau: Larocque explained to the council that it was brought to the attention of the Finance Committee that the CVB has been paying a water bill for the last few years. The Finance Committee feels that the CVB is an entity of the city and should not have to pay a water bill. Laurie Odden explained to the council that the metered water in question is for the Northern Lights Tower area and that this water is run through a sprinkler system which was installed years ago and is used for watering the grass and flowers and general beautification of the tower area. Odden went on to explain that prior to 2019, the CVB had not been charged for water for this area. In 2019, a meter was installed and the CVB was thereafter charged for water for the area around the Northern Lights Tower. Odden estimated that this water bill is costing the CVB approximately \$1800 - \$2000 dollars annually.

Schneibel questioned if Odden is just concerned with the outside meter and not the meter in her office. Odden stated that her concern is only with the sprinkler system meter. She understands that the CVB should pay the water bill for her office area and stated that they will continue to pay for the bulk water used to water the flowers downtown.

Kraft explained that during that time frame that meters were installed in areas/buildings that were not being charged, but were using treated city water, so that the gallons used could be better accounted for and kept track of for Water Plant documentation.

Lotvedt questioned if the CVB maintains the sprinkler system that is being used for the watering. Odden stated that the CVB does take care of maintenance of the sprinkler system.

Lotvedt made a motion that if the CVB continues to maintain the sprinkler system for the beautification of the Northern Lights Tower area, that the city will waive the water usage fees for this sprinkler system. Second by Brossart. Roll Call Vote, Lotvedt-yes, Nelson-yes, Kraft-yes, Schneibel-yes, Gannarelli-yes, Larson-yes, Brossart-yes, and Trottier-yes, motion carried.

Odden presented the preliminary budget of the CVB. Trottier questioned if there were any significant increases or decreases in the budget. Odden explained that there were not and that expenses were down this year. There was a motion by Schneibel to approve the CVB 2023 preliminary budget. Second by Trottier, roll call vote, Trottier-yes, Brossart-yes, Larson-yes, Gannarelli-yes, Schneibel-yes, Kraft-yes, Nelson-yes, and Lotvedt-yes, motion carried.

Odden updated the council on what has been happening with the CVB recently. She has been working with the High School Co-Op Program and has hired Anni Risovi to work approximately 10 hours a week; she is working on bringing back the Northern Lights Pool Tournament in March 2023, she has spoken with the potential new owners of the building that sits on the corner of Highways 2 & 3 (currently Rancho Grande & Anytime Fitness) where the monument is located. Once they have taken ownership, they will discuss the future of the monument.

Schneibel made a motion to approve the minutes and the financials for the CVB as presented by Odden. Seconded by Brossart, all voting yes, motion carried.

Trottier left the meeting at 7:48pm

JDA: Karl Frigaard provided the Council with a JDA report. Frigaard stated that at the last JDA Board meeting they had discussed and approved the JDA 2023 Budget and he is taking classes online and some through the Minot Library to learn Quickbooks. He spoke about a gentleman wanting to build affordable housing in Rugby, discussion was held. Frigaard's Financial report included four businesses that have approached the JDA regarding possibly utilizing the PACE Programs. He has heard from a retail company, and a Financial Advisor for two potential businesses has checked on what the community has to offer.

Trottier returned to the meeting at 7:50pm

Larocque questioned Frigaard on the financials of the Student Loan Program. Frigaard stated that last month approximately \$2,000 was paid out for 16 students that have applied and been accepted into the program. Year to date, approximately \$18,000 has been paid out from this program. Trottier questioned if there are any pending applications. Frigaard stated that at this time there are not. Trottier questioned if any of the current recipients have taken advantage of the Federal Student Loan Forgiveness program. Frigaard stated that there are only a handful that have applied but have not heard back yet. He stated that a majority of those in the program have Bank of ND loans and do not qualify for the Federal program. Frigaard noted that he has not been able to find any part-time help for his office yet.

Lotvedt questioned Frigaard about the status of the Dunseith Clinic. Frigaard stated that he is waiting on a legal opinion. Murray stated she has an opinion ready but has not formally submitted it yet as she would like to speak with the City Attorney from Dunseith first. Lotvedt questioned the Council about their understanding of what the JDA is trying to get accomplished with the Dunseith Clinic. Stewart suggested informing new Council Member Gannarelli about this. Kraft gave a summary that the JDA currently owns this property in Dunseith, and they are waiting on a legal opinion as to if the JDA can give it back to HAMC or if it would need to go out on bids.

Lotvedt made a motion to approve the JDA report and financials. Seconded by Nelson, all voting yes, motion carried.

Committee Reports

Recreation: Lotvedt reported that the committee is still waiting to hear a determination from an insurance adjuster for the picnic shelter that was destroyed in the storm earlier this summer. He reported that they will be looking into re-sanding some of the diamonds. The committee has also noticed that the drainage system is not working well and will be looking into what can be done for that. Trottier questioned Lotvedt about the leaning poles at the Softball Park. Lotvedt explained that he is not able to get Otter Tail's help with straightening them anymore. Lotvedt stated that if anyone has any suggestions as to what could be done or used to help straighten the poles and keep them straight, it would be appreciated.

Finance: Trottier reported that the 2023 Preliminary Budget was recommended to the Council for approval. The committee also recommended to council to approve waiving the water bill for the CVB. All of which were approved earlier, at tonight's meeting. Lotvedt questioned if an audit had been performed for City Hall and if the audit had been returned yet. Stewart informed him that it had not been returned yet; it is still being worked on. Stewart offered to provide the phone number of the auditors to Lotvedt.

Ordinance: Kraft reported that the committee has been exploring the idea of not having committees and or committee meetings and instead, having two council meetings per month. Kraft is looking for input from the rest of the council and their thoughts on this idea. The committee also discussed the ordinance regarding trees on the boulevard. He stated this is still a work in progress and needs further evaluation before anything can be brought to council for approval.

Lotvedt expressed his approval of having two council meetings per month rather than several committee meetings. Larocque explained that there would be a "portfolio holder" for what currently is each committee. He explained benefits of having two council meetings and portfolio holders. You would not risk having a quorum if more than one council member gets together, and projects and decisions could be made sooner, rather than having to wait a month for issues to be resolved and or projects to be completed. Some of the council members that work have to take vacation time to attend the committee meetings each month.

Kraft stated that the ordinance would have to be changed to be able to begin this. He suggested having the second council meeting two weeks after the first council meeting.

Consensus of the council was to have the committee draft an amendment to the current ordinance or draft a new ordinance for the council to review.

Trottier suggested doing research on the topic of portfolio holders and what that exactly means or how they work. Atty. Murray stated that a lot of counties operate in this way and because the City of Rugby has Home Rule Charter, they can change from a committee platform to a portfolio holder platform. She went on to explain that a portfolio holder could meet with a department and discuss issues or projects and it would not have to be in an open, public meeting setting. The portfolio holder would then come back to the council and advise what was talked about with that department and then at that point the information would be public information and would be discussed at a public meeting.

Public Works: Kraft reported that the committee reviewed information on three different engineering firms to do the clarifiers project at the Water Treatment Plant. Another topic that the Committee wants addressed as soon as possible is the road project on Hwy 3, from 1st St NW south to 4th St SW. Kraft stated that they want to set up a meeting with DOT and Brosz Engineering and do not want to stretch this out for another year. The committee feels that now is the time to act. According to Nelson there is a Construction and Maintenance Agreement that must be signed with BNSF and the last that Nelson had heard, that had not been executed. Until that agreement is signed, nothing can be done. Nelson stated he will call and check on the status of this agreement and will try to set up a meeting with DOT before the next council meeting. Kraft stated that the Raw Water Line project is still on the committee agenda and will stay there. The project and the cost of the project may be getting scaled back. The committee will bring this to the council when they have more concrete information.

The McGuire's storm drain has been completed since the committee meeting but has not been black topped yet. Lotvedt mentioned a letter that was received from Moore Engineering regarding the frontage road project in front of the new hospital. A water line may be moved underneath the frontage road and Munyer had Moore Engineering contact the hospital engineering firm to inform them that this may be a possibility. Murray questioned Lotvedt if this was the water line that would be needing easements? Lotvedt stated that Interstate Engineering was looking into it and thought that easements may no longer be needed. Kraft questioned the right-of-way of the frontage road. Lotvedt stated that the frontage road and the walking path will now be on highway right-of-way. Lotvedt mentioned that the GIS map is now up and running on the city website. He questioned if there are printed maps for the County. Stewart stated that she is working on getting a printed version of the map to the County Recorder and the Tax Assessor.

Public Safety: Trottier reported that the committee reviewed the July Police report. There has been concern for the last couple of months regarding restricting access to a public roadway in the Parkland Trailer Court area. There is a vacant lot that is being used to access the trailer park from 7th St SW. Larson checked with the County Recorder, and this is a platted alley. There is an ordinance stating that a fence needs to border trailer parks in a residential area. It was suggested to put up a barrier in this area and no barrier has been put up yet. Trottier says this will once again get pushed back to the committee meeting next month. The committee received and accepted the resignation of Chief Rose. There are now three vacancies in the City Police Department.

Buildings: Brossart explained that they did a walk through of the swimming pool to look at what needs to be repaired. A & R Roofing is onsite and will begin the pool roof replacement soon. They discussed the window opening and closing of the swimming pool windows. They are working a solution for reaching the windows to make it easier to open and close. The downspouts at the Armory have not been replaced yet. Brossart located the temporary electrical service panel for the Armory. This will be available for those who rent the Armory with a refundable deposit. Munyer will be filling in the gap between the sidewalk and Armory foundation. Lotvedt questioned if a solution for the fan noise at the swimming pool has been reached. Brossart explained that it is being researched. Jim Olson, AE2S, explained that the architectural firm would need to find that solution.

Personnel: Trottier explained they discussed the evaluation process of staff. They discussed staff development opportunities to make employees more valuable. They discussed staff leave categories and leave request approval process. They discussed compensatory time and overtime. He reported that they are looking for clarification on both time types. They discussed employee correspondence regarding inpatient reimbursement. They are contacting the city health insurance agent to help interpret inpatient reimbursement.

Jim Olson, AE2S, addressed the council regarding the 2 ½ Ave pay application for \$594,468.35. There was a motion by Lotvedt to approve the 2 ½ Ave pay application in the amount of \$594,468.35. Second by Trottier, roll call vote, Trottier-yes, Brossart-yes, Larson-yes, Gannarelli-yes, Schneibel-yes, Kraft-yes, Nelson-yes, Lotvedt-yes, motion carried.

Olson presented Change Order 4 for Wagner Construction for fuel cost escalation in the amount of \$55,094.10. He explained the reason for the change order is due to the economy and the rising costs of fuel.

Olson presented Change Order 5 for Wagner Construction for trucking cost escalation in the amount of \$12,169.39. This reason for the change is due to the increased cost of fuel and trucking in the current economy. The council discussed the reason for the change order as well as the economy when the bidding of the project was done late last year. They discussed competitive bidding extensively. Olson explained that the project is currently on budget. Olson explained that the USDA will support whatever decision the council makes regarding Change Order 4 and 5. Kraft made a motion to table Change Order 4 and 5 until the next regular meeting and gather more information. Second by Nelson, all voting yes, motion carried.

LaRocque suggested that Wagner Construction meet with the Finance Committee on September 21, 2022, at 10:00a.m. Olson will contact Wagner and ask them to attend this meeting.

Lotvedt explained that the Haaland Home was transferred over to temporary water service with garden hoses and do not have enough water pressure. Olson explained that Wagner Construction made this decision, and he has been working with them today to remedy the issue. Munyer explained that he is awaiting a phone call from the Haaland Home this evening to determine if the current hook up from a fire hydrant is sufficient pressure. They may need to tap into the water main to hook them up to a higher pressure. Olson explained that the means and methods of the project are the contractor responsibility.

LaRocque explained that Wagner Construction is on budget and ahead of schedule. He questioned Olson as to what is next. Olson explained that the order of work is the construction, road repair crew, curb and gutter installation, street paving crew and restoration/landscaping. Olson explained that there are 4-6 sprinkler system repairs that need to be complete but will be done as part of the final restoration/landscaping. Gannarelli commended Wagner Construction as to their work and accommodations to the residents.

They discussed that once the curb and gutter is poured, it must cure for 28 days before paving of the streets may occur. The council discussed the paving of Hwy 3 and 6th Street near McGuires that was supposed to be done when Mayo Construction did the Hwy 3 overlay this summer.

Olson explained that it was supposed to be coordinated between Wagner Construction and Mayo Construction and did not happen.

The council conducted the second reading of Ordinance 440- Appropriations Ordinance. There was a motion by Schneibel to approve the second reading of Ordinance 440-Appropriations Ordinance. Second by Kraft, all voting yes, motion carried.

The council reviewed the engineer bid ratings for the Water Plant Clarifier Project that the council members submitted. Kraft explained that Interstate Engineering had the highest rating in tabulations. Murray gave a verbal summary of all three submitted engineering bids that the council was considering.

Trottier explained that he did not turn in a scoring sheet as he did not feel qualified to score the three engineering firms. He also believed that the scoring instrument was subjective.

There was a motion by Kraft to accept the proposal from Interstate Engineering. Second by Larson, roll call vote, Trottier- abstain, Brossart-yes, Larson-yes, Gannarelli-abstain, Schneibel-yes, Kraft-yes, Nelson-yes, Lotvedt-yes. Motion carried.

Craig Zachmeier, city resident, questioned the reason for abstaining. Murray explained that council members may abstain if they feel that they do not have enough information or a conflict. Zachmeier asked for a reason for the council members abstention. Gannarelli explained that he was not sworn in as a council member when the proposals were reviewed. Trottier stated no reason for his abstention.

The council considered the proposed committee appointments. There was a motion by Brossart to approve the committee appointments. Second by Larson, majority voting yes, motion carried.

The council considered the 2023 City Calendar. There was a motion by Kraft to approve the 2023 City Calendar. Second by Lotvedt, majority voting yes, motion carried.

The council considered the bid from Johnson's Plumbing Service for backflow preventers. The estimate needs to be verified with Johnson's Plumbing that the backflow preventers are sufficient for the city needs. The council discussed the reason and the need for backflow preventers on city owned buildings. There was a motion by Kraft to table the backflow preventers bid till next month to obtain more information. Second by Lotvedt, majority voting yes, motion carried.

The council considered application for local permit or restricted event permits from Rugby FFA Chapter and HAMC Auxiliary. There was a motion by Schneibel to approve the application for local permit for Rugby FFA Chapter and HAMC Auxiliary. Second by Kraft, majority voting yes, motion carried.

There being no further business to transact or come before the council at this time, there was a motion by Larson to adjourn the council meeting. Second by Lotvedt, all voting yes, motion carried. Meeting adjourned at 9:42p.m.

Frank LaRocque, Mayor

Attest: _____
Jennifer Stewart, City Auditor

Approved